

Wednesday, November 19, 1969

Daily Digest

HIGHLIGHTS

Both Houses cleared Agriculture appropriations bill.

Senate approved bills on draft reform and gun control.

House cleared for the President the Appalachian Development Act; agreed to the conference report on a bill that provides for an extension of the interest equalization tax; and debated the foreign aid bill.

Senate

Chamber Action

Routine Proceedings, pages S 14597-S 14646

Bills Introduced: Five bills and four resolutions were introduced, as follows: S. 3151-3155; S.J. Res. 165; and S. Res. 286-288.

Pages S 14600, S 14606

Bills Reported: Reports were made as follows:

S. Res. 272, authorizing additional expenditures by the Internal Security Subcommittee of the Committee on the Judiciary (S. Rept. 91-540);

S. Res. 281, to print 1,500 additional copies of the Senate committee report on H.R. 13270, proposed Tax Reform Act of 1969 (S. Rept. 91-541);

S. Res. 284, authorizing additional \$75,000 for operating funds for Committee on Commerce (S. Rept. 91-542);

S. Con. Res. 44, to print as a Senate document manuscript entitled "Separation of Powers and the Independent Agencies: Cases and Selected Readings" (S. Rept. 91-543);

S. Con. Res. 46, to print as a Senate document report entitled "Handbook for Small Business" (S. Rept. 91-544);

H.R. 13949, providing electrical and mechanical equipment for use in offices of Members of the House and in House committees (S. Rept. 91-545);

H.R. 14195, proposed Federal Contested Election Act of 1965 (S. Rept. 91-546);

S. 1421, removing statutory limitation of \$16,000 annually for the salary of the Director of the D.C. Legal Aid Agency (S. Rept. 91-547);

S. 2602, proposed District of Columbia Public Defender Act of 1969 (S. Rept. 91-548); and

S. Res. 286-288, providing for payment of gratuities to survivors of three deceased Senate employees (no written reports).

Pages S 14600, S 14606

Bills Referred: H.R. 14794, Department of Transportation appropriations, was referred to Committee on

Appropriations; and two private bills, H.R. 1453 and 1865, were referred to Committee on the Judiciary.

Page S 14646

Measures Cleared for President:

Johnson Historic Site: Senate agreed to the House amendment to S. 2000, to establish the Lyndon B. Johnson National Historic Site in Gillespie County, Tex.

Page S 14598

Eisenhower Historic Site: Senate agreed to the House amendments to S.J. Res. 26, to develop the Eisenhower National Historic Site at Gettysburg.

Page S 14598

Taft Historic Site: Senate agreed to the House amendment to the Senate amendment to H.R. 7066, to establish the William Howard Taft National Historic Site in Cincinnati.

Page S 14598

Private bills: Senate agreed to the House amendments to S. 499, 632, and 757, private bills.

Page S 14645

Draft reform: Senate passed without amendment (motion to reconsider tabled) H.R. 14001, to authorize the President to effect a change in the method of selection of inductees into the Armed Forces.

Pages S 14632-S 14641

Gun Control: Senate passed with committee amendments (motion to reconsider tabled) and cleared for the House S. 849, to strengthen the penalty provisions of the Gun Control Act of 1968.

Pages S 14641-S 14643

Interstate Compact: Senate passed with a committee amendment and cleared for the House S. 2734, granting the consent of Congress to the Connecticut-New York railroad passenger transportation compact.

Pages S 14643-S 14645

Supreme Court Nomination: Senate continued consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court.

Pages S 14629-S 14632, S 14646-S 14673

D 1089

Agriculture Appropriations: Senate agreed to the conference report on H.R. 11612, fiscal 1970 appropriations for the Department of Agriculture and related agencies. Senate concurred in House amendment to Senate amendment No. 12, an amendment of a technical nature. This action cleared the measure for the President.

Pages S 14673-S 14680

Senate Authorizations: By unanimous consent, it was agreed that Secretary of Senate be authorized, during adjournment of the Senate until noon tomorrow, to receive and appropriately refer messages from the House of Representatives; and during that same period the Vice President, President pro tempore, or Acting President pro tempore may be permitted to sign duly enrolled bills and resolutions.

Page S 14684

Military Procurement—Closed-Session Proceedings: Senate agreed to request that the expurgated transcript of Senate proceedings in closed session on July 17, 1969, prepared under the direction of Senator Stennis, chairman of the Committee on Armed Services, be published in permanent Record of that date.

Confirmations: Senate confirmed the nominations of Robert C. Gresham, of Maryland, to be an Interstate Commerce Commissioner; and Caspar W. Weinberger, of California, to be a Federal Trade Commissioner.

Page S 14685

Program for Thursday: Senate met at 10 a.m. and adjourned at 5:10 p.m. until noon Thursday, November 20, when it will continue consideration of the nomination of Judge Haynsworth.

Pages S 14665, S 14685

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—HEW

Committee on Appropriations: Subcommittee continued hearings on H.R. 13111, fiscal 1970 appropriations for the Departments of Labor and Health, Education, and Welfare, with testimony from Thomas Laughlin, Deputy Commissioner, Medical Services Administration; Stephen P. Simonds, Commissioner, Community Services Administration; Edward Newman, Commissioner, Rehabilitation Services Administration; Dr. Arthur J. Lesser, Director, Office of Child Health; John B. Martin, Commissioner, Administration on Aging; and Judge Frank A. Orlando, Director, Office of Juvenile Delinquency and Youth Development, all of the Social and Rehabilitation Service, Department of HEW.

Hearings continue tomorrow.

INSURANCE INSOLVENCY PROTECTION

Committee on Commerce: Committee resumed hearings on S. 2236, to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies, having as its witnesses T. Lawrence Jones, president, American In-

surance Association, who was accompanied by his associates; Lorne R. Worthington, Iowa State Insurance Commission, representing the National Association of Insurance Commissioners; and Charles L. Rue, Jr., National Association of Mutual Insurance Agents.

Hearings continue tomorrow.

D.C. TEACHERS' SALARIES

Committee on the District of Columbia: Subcommittee on Fiscal Affairs held and concluded hearings on an amendment for teacher salary increases to S. 2694, providing salary increases for D.C. police and firemen. Testimony was received from Walter E. Washington, Commissioner, who was accompanied by Thomas Fletcher, Deputy Commissioner, Tom Moyer, Donald Weinberg, and James Mandish, all of the D.C. government; Bruce Terris, D.C. Democratic Committee; Joseph P. Yeldell, D.C. Councilman; Benjamin Henley, Acting Superintendent, D.C. schools; Mrs. Anita Ford Allen, D.C. Board of Education; Don Goodloe, representing the Washington Teachers Union; Theodore R. Newman, Jr., D.C. Republican Committee; John L. Sullivan, Policemen's Association of D.C.; and Capt. Joseph Granados and Albert Radcr, both of the Fire Fighters Association.

VETERANS' HOME LOANS

Committee on Finance: Subcommittee on Veterans' Legislation held and concluded hearings on S. 3008, to increase the availability of guaranteed home loan financing for veterans, and to increase the income of the NSLI fund. Testimony was received from Senator Yarbrough; Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, who was accompanied by Veterans' Administration officials; Larry Blackmon, National Association of Home Builders; Harold A. Pollman, Home Builders Association of Texas; Graham T. Northup, Mortgage Bankers Association; and Frank Stover, Veterans of Foreign Wars.

VIETNAM

Committee on Foreign Relations: Committee met in executive session to hear Secretary of Defense Melvin R. Laird on U.S. Government policy in Vietnam.

SALT TALKS

Committee on Foreign Relations: Subcommittee on International Organization and Disarmament Affairs met in executive session to receive an administration briefing concerning strategic arms limitations talks.

BLACK MARKET CURRENCY

Committee on Government Operations: Permanent Subcommittee on Investigations continued hearings on the black market in currency in South Vietnam. Witnesses were Sgt. Albert Chang, U.S. Army; Brandon H. Backlund, Omaha; Dr. Gabriel Kerekes, New York

Mr. SCHERLE (at the request of Mr. GERALD R. FORD), for November 20 and balance of week, on account of official business as a member of House Committee on Education and Labor.

Mr. REIFEL (at the request of Mr. GERALD R. FORD), for November 19 through December 12, on account of official business.

Mr. PEPPER, for November 20 and 21, on account of official business on Crime Committee hearings.

Mr. FOUNTAIN (at the request of Mr. GRAY), until 2 p.m., on account of official business involving the Advisory Commission on Intergovernmental Relations.

Mr. EILBERG, for November 21 through December 6, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHITEHURST) to revise and extend their remarks and include extraneous material:)

Mr. FINDLEY, for 5 minutes, today.

Mr. WILLIAMS, for 5 minutes, today.

(The following Members (at the request of Mr. WOLFF) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JONES of Alabama during his remarks on the conference report on S. 1072 and to include certain material.

Mr. FALLON (at the request of Mr. JONES of Alabama) following the remarks of Mr. JONES of Alabama.

Mr. BLATNIK (at the request of Mr. JONES of Alabama) following the remarks of Mr. FALLON on the conference report on S. 1072.

Mr. MAHON (at the request of Mr. WOLFF), the remarks he made in the House today on the conference report accompanying the bill H.R. 11612, making appropriations for the Department of Agriculture and related agencies.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. TALCOTT.

Mr. HALL.

Mr. ASHBROOK in three instances.

Mr. HORTON.

Mr. EDWARDS of Alabama.

Mr. WYMAN in two instances.

Mr. DELLENBACK in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. ESCH.

Mr. ROTH.

Mr. SCHWENGEL in three instances.

Mr. HOGAN.

Mr. GOLDWATER.

Mr. MICHEL.

Mr. FISH.

Mr. UTT.

Mr. McKNEALLY.

Mr. SKUBITZ in four instances.

(The following Members (at the request of Mr. WOLFF) and to include extraneous matter:)

Mr. MATSUNAGA in two instances.

Mr. OTTINGER in two instances.

Mr. MCCARTHY in three instances.

Mr. DANIEL of Virginia.

Mr. CHAPPELL.

Mr. PICKLE in three instances.

Mr. UDALL in eight instances.

Mr. RARICK in two instances.

Mr. RIVERS in two instances.

Mr. GONZALEZ.

Mr. DINGELL in two instances.

Mr. EDMONDSON in two instances.

Mr. WALDIE in two instances.

Mr. HUNGATE in two instances.

Mr. ANDERSON of California.

Mr. TIERNAN.

Mr. KLUCZYNSKI.

Mr. GIBBONS in two instances.

Mr. WILLIAM D. FORD.

Mr. SLACK in two instances.

Mr. O'HARA in two instances.

Mr. KYROS in two instances.

Mr. FOLEY in two instances.

Mr. BENNETT in three instances.

Mr. OLSEN.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this Act.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 92. An act for the relief of Mr. and Mrs. Wong Yui; and

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended.

ADJOURNMENT

Mr. WOLFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Thursday, November 20, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1349. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report

on omission of significant costs from charges to the Federal Republic of Germany for pilot training, Department of Defense, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 714. Resolution for consideration of H.R. 4249, a bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices (Rept. No. 91-658). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. H.R. 14517. A bill to provide temporary authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for the operation of those projects, and for other purposes; (Rept. No. 91-659). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 14863. A bill to amend the Solid Waste Disposal Act to prohibit the use in interstate commerce of certain aluminum containers; to the Committee on Interstate and Foreign Commerce.

By Mr. ICHORD (for himself, Mr.

QUILLEN, Mr. BENNETT, Mr. FISHER, Mr. FUQUA, Mr. WAGGONER, Mr. COLMER, Mr. RIVERS, Mr. PREYER of North Carolina, Mr. EDWARDS of Louisiana, Mr. ASHBROOK, Mr. ROUBINUSH, Mr. WATSON, and Mr. SCHERLE):

H.R. 14864. A bill to amend the Internal Security Act of 1950 to authorize the Federal Government to institute measures for the protection of defense production and of classified information released to industry against acts of subversion, and for other purposes; to the Committee on Internal Security.

By Mr. JONES of North Carolina:

H.R. 14865. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. KING (for himself and Mr. McKNEALLY):

H.R. 14866. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provisions applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr.

ANDERSON of California, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BROWN of California, Mr. BYRNE of Pennsylvania, Mr. CONYERS, Mr. FARBER, Mr. HALPERN, Mr. KOCH, Mr. LOWENSTEIN, Mr. MACDONALD of Massachusetts, Mr. MATSUNAGA, Mrs. MINK, Mr. PIKE, Mr. POBELL, Mr. REES, Mr. SCHEUER, Mr. SYMINGTON, and Mr. WRIGHT):

H.R. 14867. A bill to amend the Clean Air Act to provide for the adoption of national standards governing emissions from stationary sources, to create a Federal duty not to

pollute the atmosphere, to provide additional public and private remedies for the abatement of air pollution, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 14868. A bill to amend the act of March 3, 1899, to authorize the United States to recover by civil actions the cost of removing certain obstructions from the navigable waters of the United States, and for other purposes; to the Committee on Public Works.

By Mr. OTTINGER.

H.R. 14869. A bill to amend title 5, United States Code, to provide for retirement of employees under the civil service retirement program upon attainment of 50 years of age and completion of 25 years of service; to the Committee on Post Office and Civil Service.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 14870. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 14871. A bill to amend title 38 of the United States Code to require pay differentials for nurses in Veterans' Administration hospitals who perform evening, night, weekend, holiday or overtime duty and to authorize payment for standby or on-call time, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYATT:

H.R. 14872. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. ASPINALL (for himself, Mr. ULLMAN, Mr. JOHNSON of California, and Mr. DON H. CLAUSEN):

H.R. 14873. A bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of the Congress which established the Redwood National Park; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 14874. A bill to provide for the protection of the health and safety of persons working in the coal mining industry of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL of Massachusetts (for himself, Mr. SIKES, Mr. CHAPPELL, Mr. KYROS, Mr. HATHAWAY, Mr. FRIEDEL, Mr. MORSE, Mr. HARRINGTON, Mr. BURKE of Massachusetts, Mr. ADDABBO, Mr. PODELL, Mr. ST. GERMAIN, Mr. TIERNAN, Mr. WATSON, Mr. DORN, Mr. MANN, Mr. DOWNING, Mr. ABBITT, Mr. POFF, Mr. MARSH, Mr. SCOTT, Mr. WAMPLER, and Mr. BROYHILL of Virginia):

H.R. 14875. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. PHILBIN, Mrs. HECKLER of Massachusetts, Mr. BOLAND, Mr. HELSTOSKI, Mr. KEITH, and Mr. GETTYS):

H.R. 14876. A bill to create a Marine Resources Conservation and Development Fund; to provide for the distribution of revenues from Outer Continental Shelf lands;

and for other purposes; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. SIKES, Mr. CHAPPELL, Mr. KYROS, Mr. HATHAWAY, Mr. FRIEDEL, Mr. MORSE, Mr. HARRINGTON, Mr. BURKE of Massachusetts, Mr. ADDABBO, Mr. PODELL, Mr. ST. GERMAIN, Mr. TIERNAN, Mr. WATSON, Mr. DORN, Mr. MANN, Mr. DOWNING, Mr. ABBITT, Mr. POFF, Mr. MARSH, Mr. SCOTT, Mr. WAMPLER, and Mr. BROYHILL of Virginia):

H.R. 14877. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purpose; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts (for himself, Mr. PHILBIN, Mrs. HECKLER of Massachusetts, Mr. BOLAND, Mr. HELSTOSKI, Mr. KEITH, and Mr. GETTYS):

H.R. 14878. A bill to grant to each coastal State mineral rights in the subsoil and seabed of the Outer Continental Shelf extending to a line which is 12 miles from the coast of such State, and for other purposes; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 14879. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request):

H.R. 14880. A bill to equalize the rates of disability compensation payable to veterans of peacetime and wartime service; to the Committee on Veterans' Affairs.

H.R. 14881. A bill to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

H.R. 14882. A bill to provide a cost of living increase in the additional allowance payable to veterans in need of regular aid and attendance; to the Committee on Veterans' Affairs.

H.R. 14883. A bill to amend section 624 of title 38, United States Code, to provide drugs and medicines for certain veterans sojourning or residing abroad; to the Committee on Veterans' Affairs.

H.R. 14884. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring reduction of pension allowance for certain veterans during hospitalization at Government expense; to the Committee on Veterans' Affairs.

H.R. 14885. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring the discontinuance of aid and attendance allowance for certain veterans during hospitalization at Government expense; to the Committee on Veterans' Affairs.

H.R. 14886. A bill to amend section 3203, title 38, United States Code, to liberalize those provisions requiring the discontinuance of pension payments to certain veterans during hospitalization, institutional or domiciliary care at Government expense; to the Committee on Veterans' Affairs.

H.R. 14887. A bill to amend title 38 of the United States Code to increase the pension payable to certain seriously disabled veterans; to the Committee on Veterans' Affairs.

H.R. 14888. A bill to amend title 38 of the United States Code to liberalize the income provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14889. A bill to amend title 38, United States Code, to increase the rates of addi-

tional compensation provided for certain disabled veterans with dependents; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 14890. A bill to permit the reading of verses from the Holy Bible at certain times in the public schools throughout the United States; to the Committee on Education and Labor.

By Mr. FUQUA (for himself, Mr. STUCKEY, Mr. BENNETT, Mr. BLACKBURN, Mr. BRINKLEY, Mr. BURKE of Florida, Mr. CHAPPELL, Mr. CRAMER, Mr. DAVIS of Georgia, Mr. FASCELL, Mr. FLYNT, Mr. FREY, Mr. GIBBONS, Mr. HAGAN, Mr. HALEY, Mr. LANDRUM, Mr. O'NEAL of Georgia, Mr. PEPPER, Mr. ROGERS of Florida, Mr. SIKES, Mr. STEPHENS, and Mr. THOMPSON of Georgia):

H.J. Res. 992. A joint resolution granting the consent of the Congress to an agreement between the State of Florida and the State of Georgia establishing a boundary between such States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT (for himself, Mr. MILLS, Mr. PRYOR of Arkansas, and Mr. ALEXANDER):

H.J. Res. 993. A joint resolution authorizing the President to proclaim annually the month of May as Clean Waters for America Month; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. ADAIR, Mr. BROOMFIELD, Mr. FACELL, Mr. FINDLEY, Mr. FOUNTAIN, Mr. FRASER, Mr. FULTON of Pennsylvania, Mr. GALLAGHER, Mr. HAYS, Mr. NIX, Mr. TAFT, Mr. THOMPSON of Wisconsin, Mr. BLANTON, Mr. CASEY, Mr. DICKINSON, Mr. MATSUNAGA, and Mr. McEWEN):

H. Con. Res. 454. A concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 455. A concurrent resolution expressing the sense of Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. SAYLOR, Mr. PODELL, Mr. SCHEUER, Mr. BROYHILL of North Carolina, Mr. ZWACH, Mr. KLEPPE, Mr. ROONEY of Pennsylvania, Mr. WRIGHT, Mr. HANSEN of Idaho, Mr. WHITEHURST, Mr. HECHLER of West Virginia, Mr. FOREMAN, and Mr. STANTON):

H. Res. 715. A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. ANDERSON of Illinois, Mr. HUNT, Mr. MAYNE, Mr. WYATT, Mr. SCHNEEBELI, Mr. ADDABBO, Mr. WILLIAMS, Mr. RIEGLE, Mr. COWGER, Mr. DENT, Mr. SEBELIUS, Mr. BUCHANAN, Mr. CARTER, Mrs. HECKLER of Massachusetts, Mr. BURKE of Florida, Mr. QUIE, Mr. ROTH, and Mr. McCLOBY):

H. Res. 716. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. GALLAGHER (for himself, Mr. HORTON, Mr. KARTH, Mr. KOCH, Mr. MURPHY of New York, and Mr. YATES):

H. Res. 717. Resolution establishing the Select Committee on Technology, Human

that their intention is to destroy our country.

What American who truly loves his country will want to march alongside Arnold Johnson, the public relations director for the Communist Party, U.S.A.?

Who will want to march with Irving Sarnoff, a former member of the district council, Southern California Communist Party, U.S.A., or with Sidney M. Peck, a university professor who served as State committeeman of the Wisconsin Communist Party, U.S.A.?

Yet, these are but three of the extreme leftists who actually have been working on the steering committee of the New Mobilization Committee To End the War in Vietnam—the chief organizing group for the November demonstrations.

Concerned Americans who think they should encourage or participate in the moratorium might benefit by a little insight into its origins. Excerpts from the October 21, 1969, Washington Report of the American Security Council are enlightening in this regard.

During the late spring of 1969, a group of approximately 30 radical leaders of antiwar organizations issued a call to a national antiwar conference to be held in Cleveland, Ohio, July 4-5, 1969. The call was initiated for the most part by individuals associated with the National Mobilization Committee To End the War in Vietnam—MOBE—an organization which has functioned as a coalition for numerous antiwar groups operating throughout the country.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a 3-year history involving violence and civil disobedience. MOBE sponsored the October 21-22, 1967, demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18-20, 1969, in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland conference believed that a more extensive formation of MOBE was required in order to establish an effective antiwar program. According to the published call, the purpose of the conference was to "broaden and unify the antiwar forces in this country and to plan coordinated national antiwar actions for the fall."

The conference was attended by approximately 900 persons, many of whom were delegates from antiwar groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the conference, in addition to MOBE and the Cleveland Area Peace Action Council—CAPAC—were the Communist Party, U.S.A., W. E. B. DuBois Clubs of America, National Law-

yers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating antiwar propaganda and to discrediting the U.S. Armed Forces.

A steering committee of about 20 to 30 members formed the ruling clique at the conference. In effect, the steering committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the steering committee with Communist backgrounds included the following: Arnold Johnson, public relations director and legislative representative of the Communist Party U.S.A.—CPUSA; Irving Sarnoff, who has served as a member of the district council Southern California CPUSA; Sidney M. Peck, a former State committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens—Sidney Okun—leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, steering committee member David Dellinger, MOBE chairman, declared in a May 1963 speech:

I am a communist, but I am not the Soviet-type Communist.

There were a number of other individuals attending the conference, in addition to those previously identified, who have been closely linked with activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The conference was well represented by a number of functionaries of the Socialist Workers Party—SWP—and its youth arm, Young Socialist Alliance—YSA. At the outset of the conference, it became apparent that the majority of those in attendance were affiliated with numerous antiwar groups operating under the domination of the Trotskyist SWP or YSA.

The plenary session reconvened during the afternoon of July 5, 1969, at which time the steering committee introduced a "majority-minority" resolution for approval. The conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam-war action projects commencing during the month of August and terminating with

the November 15, 1969, demonstration in Washington, D.C.

The conference claimed that it selected a "new, broadly-based" national steering committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the steering committee adopted a new name for the organization which was to be responsible for planning and directing the fall demonstrations. It was designated the New Mobilization Committee To End the War in Vietnam. However, in actuality, the MOBE-oriented steering committee composed of key MOBE officials, simply decided to drop the name national mobilization committee and substitute a new but similar title. Therefore, the new MOBE succeeded the "old" national MOBE with the leadership of the latter remaining virtually intact. The new MOBE has characterized itself as a "new antiwar coalition" which will "carry forward the work of the old national mobilization committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy, and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared:

The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen.

Mr. President, the grab bag of Communists and Socialists whom I have mentioned and who are mentioned in the American Security Council report, will probably seem mild by comparison with some of the radicals who may show up and foment disorder during the November moratorium.

If the "Weatherman" faction of SDS joins the moratorium, it is almost certain to mean trouble. Last month, Mark Rudd and a few hundred "Weathermen" went to Chicago and engaged in violent confrontations with police there.

These young revolutionaries went on a wild rampage which resulted in widespread damage to property of the citizens of Chicago. Three of the "Weathermen" were shot by police.

A group of women, led by "Weatherman's" Bernadine Dohrn, threatened to destroy an Army induction center. They gathered in a park, sang praises to Ho Chi Minh and Mao Tse-tung, and then charged into police ranks trying to kick the officers in the groins. Illinois Governor Ogilvie called up the National Guard and before it was over, police arrested more than 200 demonstrators.

If the extremists of the New Left can cause that much trouble in Chicago without a mob to exploit, imagine what they might do in a crowd of moratorium demonstrators, many of whom will be charged up emotionally over the war.

It would not take much to heat things

up. A few bricks thrown by well-placed agitators could touch off violent mob action involving fights with police. Hundreds of innocent persons could be injured.

This is not wild speculation. It is a frightening possibility. Deliberate violence may seem reprehensible to most Americans; but, to the militant, quisling enemies of our country within our midst, it is a necessary tool in bringing about the ultimate destruction of our Republic.

The fact of the demonstrations alone is enough to make the Communists turn somersaults of joy in Paris, Peking, and Moscow. Violent incidents as a result of the demonstrations would be like icing on the cake of propaganda.

Some Americans may have rationalized that marching on the Nation's Capitol will be a true act of patriotism. Quite to the contrary, it can only encourage the Communists and prolong the war which we all want to see brought to an honorable end. The most patriotic act which such citizens can perform during the November moratorium is to ignore it.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I am glad the Senator from West Virginia had an opportunity to make his speech. It is certainly one I am going to pursue and read with the greatest of interest.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, I have a brief statement to make now regarding the conference report on S. 2546, which is now the pending matter before the Senate, but before presenting this discussion and giving the results, I would like to make a few preliminary observations.

I can doubly assure the Senate that every aspect of this legislation, in the versions approved by both the Senate and the House, was thoroughly considered by the conferees. There were 10 separate meetings by the Senate-House conferees, and those meetings lasted in the neighborhood of 3 hours each time, except the last one, which was for a little finishing up and signing of the report.

In addition, the Senate conferees alone met four times to resolve various problems. Moreover, a separate group of Senate-House conferees met on one item, the Tow missile, and received additional testimony. Finally, the respective staffs of the two committees were in daily consultation on various aspects of this legislation.

Moreover Chairman RIVERS and I had many conferences in our offices and by telephone regarding plans for the meetings and consideration of points of difference.

Mr. President, there were 59 major items of difference between the Senate and House versions. The effort I have just described occurred over the period from October 6 to November 4. In substance, Mr. President, this legislation in conference was debated and considered with the same degree of thoroughness and conviction on both sides that the bill received on the Senate floor over the period of 7½ weeks of its consideration.

I am not given to undue praise of anyone, but the House conferees are able men, unusually well versed in their committee work. It is a pleasure to work with them.

Another point I would emphasize, Mr. President, is that Senate conferees worked equally hard for all provisions, both those that originated in the Senate committee and those which were adopted on the Senate floor. We considered that we represented the Senate as a whole and, as I shall indicate later, we obtained what I consider to be good results in having a large portion of the Senate amendments adopted as a part of the final bill.

SUMMARY OF ENTIRE BILL

In terms of total authorization, Mr. President, I would like to make the following comparisons.

The bill as finally agreed upon authorizes a total of \$20.7 billion as compared to \$21.3 billion as passed by the House and \$19.98 billion as passed by the Senate. For procurement the bill authorizes \$13.4 billion as compared to \$13.9 billion as passed by the House and \$12.8 billion as passed by the Senate. For Research and Development, test, and evaluation the bill authorizes \$7.2 billion as compared to \$7.4 billion in the House bill and \$7.1 billion in the Senate bill. As an overall comparison, the final bill was \$721 million more than the Senate version, but \$637 million less than the House version contained.

Mr. President, I shall later have inserted in the RECORD complete charts setting forth the comparative fiscal data on the legislation.

DISCUSSION OF MAJOR ITEMS

Mr. President, I shall discuss the major items in conference, after which I shall attempt to answer any questions Senators may have. I would also point out that Conference Report 91-607 has been printed and contains all details on the final legislation.

ARMY AIRCRAFT PROCUREMENT

Cobra: The Senate accepted \$86 million added by the House for 170 Army Cobra helicopters which are necessary for replacements in Vietnam. This request was not received in the Senate prior to the markup of the bill, and these additional helicopters are necessary because of the cancellation of the Cheyenne helicopter program.

I state, by way of further explanation, that that sum was readily agreed to by the Senate, because in the consideration of our version of the bill, we did not get to the proof with reference to the Cobra helicopters. We recognized all the time, and advised the Senate when the bill was being considered, that this would be necessary.

NAVY AIRCRAFT PROCUREMENT

A-7E: The Senate conferees acceded to the House in restoring \$104 million for the procurement of 27 A-7E aircraft. The Senate had deleted this item and directed that the Navy obtain these aircraft from among those already purchased by the Air Force as a part of the action of the Senate in directing the purchase of F-4's for the Air Force rather than A-7's.

AIR FORCE AIRCRAFT PROCUREMENT

A-7D: As the Senate may recall, the committee deleted a request of \$374.4 million for the procurement of A-7D aircraft for the Air Force and authorized these same funds for the procurement of F-4 aircraft. The House insisted these funds be utilized for the A-7 program and the Senate receded in its position.

At this point, Mr. President, I wish to make crystal clear on the part of the Senate conferees that in agreeing to the current A-7 request the Senate does not intend to go beyond the present three-wing program of A-7's and reserves a right of stopping short of even the three wings. I might add at this point that funds in this bill plus those already approved will purchase about half of the required planes for a three-wing program.

SOUTHEAST ASIA FIGHTER

Mr. President, as passed by the House the bill provided for \$48 million in research and development and \$4 million in long lead item for a so-called free world fighter. There were no funds in the Senate version of the bill. The conferees as a compromise agreed to a reduced sum with much more restrictive legislative language on this matter. I would emphasize the following. In substance, the bill now contains funds for the purpose of providing a simplified fighter aircraft for our allies in Southeast Asia in order that a more simple aircraft may be developed which will meet their own peculiar needs in terms of defense and at the same time be of a sufficiently simple design that they can maintain it with their own trained personnel. In this way, Mr. President, we should be able to assist in accelerating the withdrawal of American support troops from South Vietnam. In addition, there should be ultimate savings by making available to Southeast Asia a plane less expensive to build and cheaper to maintain.

The plain fact is that aircraft in the active United States inventory are too complicated for the South Vietnamese personnel to maintain. The specific language in the law provides as follows: That \$28 million will be available out of the Air Force procurement authorization to initiate the procurement of such an aircraft, with the further proviso that the required research and development may be accomplished within this total sum.

Further, as a matter of law, the Air Force will be required to conduct a competition for this aircraft prior to the obligation of any funds. This competition will be based on the threat as evaluated

and determined by the Secretary of Defense.

Mr. President, there is no new money in this bill for this aircraft. It merely permits the use of \$28 million out of the general procurement funds available in the Air Force. Furthermore, this use does have to be approved by the Appropriations Committee. It would have to be appropriated specifically to be for this purpose.

Moreover, there is a complete, open competition regarding this matter, and that includes the fact that the Department of Defense would have the discretion to simplify or reduce the complex nature of the planes that we already have, and thereby obtain a more simple, less complicated plane for the countries in Southeast Asia. Of course, it can be said that this plane would be used beyond Southeast Asia. That is true, but it would have to be first authorized by the Committee on Foreign Relations, and then any planes that were bought appropriated for by the appropriations committee; and that would apply even though it came through our foreign military aid.

The Senate conferees were not really favorable to this project, in the beginning. We debated it at great length. I talked with Mr. Laird over the telephone several times about it. He wanted it as an open option, so he could proceed, if he saw fit, in this direction. I am not pledged, myself, as a member of the Appropriations Committee, to support this matter this year, or any year, in the committee; and I expect to learn more about it before I do. But I certainly have not said I would not support it under any circumstances, because I think it is worthy of further consideration.

Mr. President, I would emphasize that the \$28 million is not an added item to the Air Force procurement authorization, but must be absorbed within the procurement account. I would add that this item has been fully supported by Secretary Laird in communications to both Committees.

ARMY MISSILE PROCUREMENT

Tow: The tow missile was a matter of considerable interest, which was in the Senate bill, but the House deleted in its entirety the \$142 million authorized for the procurement of the tow antitank missile, which had been authorized by the Senate. The conferees agreed on \$100 million for this item.

AIR FORCE MISSILE PROCUREMENT

Sram: The conferees agreed to the \$20.4 million for the procurement of the short range attack missile Sram which was contained in the House version but deleted by the Senate. It appeared that the development problems have been sufficiently overcome to justify a line item for this weapon.

NAVY SHIPBUILDING AND CONVERSION

The House accepted the Senate version of the bill on Navy shipbuilding and conversion, but with the addition of \$415 million in the authorization of ship construction and conversion. The items added are those established by the Navy in terms of its priorities and also repre-

sent in large part what we anticipate will be requested in next year's budget.

I should also add, Mr. President, that none of these items are expected to be funded for fiscal year 1970, and I shall read the list of the items included, but before I name them, in total, the House bill included \$960 million for additional vessels or ships that were not in the budget and were not in the Senate bill. The House conferees were very insistent that that inclusion of the House of Representatives be included. That was one of the long discussed and debated parts of the conference.

We obtained a list of the ships, and found that certain of them, while requested by the Navy for fiscal year 1970, had been rejected by the Department of Defense. They are expected to be in the budget next year, fiscal year 1971; so agreement was finally reached that we would agree to \$412 million of the \$960 million that was in the bill, under the situation and facts and circumstances I have already enumerated. The Department of Defense said that they would not ask for appropriations for these items this year.

ARMY TRACKED COMBAT VEHICLE PROCUREMENT

MBT-70: \$20 million was included in the Army's production base support procurement for the main battle tank—MBT-70. The Senate had provided \$25.4 million for this; the House nothing.

Sheridan: \$24.2 million was agreed upon for Army procurement of the Sheridan armored reconnaissance vehicle, which adds \$9 million to the amount approved by the House.

Mr. President, I hope that in time the Senator from New Hampshire will make a statement regarding the research and development reductions in this bill, in connection with which he rendered such outstanding service. We did get accepted, in the settlement, the Fulbright amendment for reduction of \$45 million in the research and development program.

I see that the Senator from Louisiana is present, and I shall be happy to yield to him, if he wishes, at this point.

Mr. ELLENDER. Mr. President, did I understand the Senator to say that in addition to the money provided by the Senate for shipbuilding, the conferees added more than \$4 million for ships?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Which ships are covered? There are no carriers?

Mr. STENNIS. There are no carriers. I will read the list of the ships and comment on the carriers.

The items involve the conversion of three guided missile frigates, instead of one, at an added cost of \$41 million.

There was one in the Senate bill and one in the budget. However, the House bill had added two. We first agreed on a figure and also on this line of preferences.

I point out to the Senator from Louisiana that a big factor in the agreement was that these ships are headed for approval in the 1971 budget. It is really next year's program. They are not matters that were just picked up here and there that some individual wanted.

Mr. ELLENDER. Why not wait until next year to get the appropriation?

Mr. STENNIS. That is the position we took over and over again. We met 12 times. They were 3-hour meetings each time. These were not perfunctory affairs except the last one. We had a multitude of conferences of all kinds. This was the best agreement we could get.

There is not a dollar of money for this fiscal year, I am satisfied in my mind with respect to all of these matters, that would not have been approved next year because they are so much a part of the necessary building program.

Mr. ELLENDER. Did the House conferees accept the program outlined by the Senate with respect to shipbuilding?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Without exception?

Mr. STENNIS. That is correct. That was in their bill to start with.

I will read at least some of these. I have them listed in my statement.

There is the construction of eight destroyers, instead of five. That would provide an added cost of \$157 million for the three extra destroyers.

There is provision for the advanced procurement of three nuclear frigates, instead of two, at an added cost of \$32 million.

Next is the construction of a destroyer tender, not in the Senate bill, at an added cost of \$82 million. That is part of that \$960 million.

I call this to the attention of the Senator because he had asked about the carrier. As part of the \$960 million in the House bill, they had \$100 million for lead time items for the third carrier. There was a great deal of interest in the House on that matter. And the House conferees were quite insistent about it. As a matter of fact, it was the first item on the preference list. However, a promise had been made here by our committee during the debate that we would not bring in a recommendation for any funds for an additional carrier until this survey and special consideration of the matter had been had.

I could not see any honorable way in which we could consider yielding, although the House thought we were in error. In keeping with the promise we had made here, we did not agree to the additional carrier. We never did agree to it. However, we wanted to have a survey made. And in the end the House conferees agreed to join us on the survey. That amendment was agreed to.

Mr. ELLENDER. So that only two of the three authorized nuclear carriers will be constructed, and the other will be postponed until the survey is made.

Mr. STENNIS. The other one will have to be authorized. It is not in the bill.

Mr. ELLENDER. I thank the Senator.

Mr. STENNIS. Mr. President, as I have said, the Senator from New Hampshire will speak about the 11-percent cut in research and development. We had public debate here on a few of these items that I will mention in passing. The SAM-D missile item was compromised at \$60 million. This is research and development.

The AWACS, for which the Air Force authorized \$15 million and the House

\$40 million, was finally agreed to in the sum of \$40 million.

On the Conus air defense interceptor, for which the House authorized \$18.5 million and the Senate \$2.5 million, the conferees agreed to the lower Senate figure.

There are other items that I will answer questions about, if desired. However, I will not delineate them now.

On the general provisions, the conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records he keeps in the normal course of business.

It also takes away the subpoena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpoenas in necessary cases when requested.

That was a hotly contested item on the floor. It concerned the granting of subpoena power and involved the changing of the nature of the GAO.

We strenuously urged the adoption of the Senate amendment because I thought the restrictions on the subpoena power were adequate and had been properly phrased and took care of it all right. However, the House never did yield with reference to the subpoena power on either one of these two items. And there was no way to get them to yield. But they did yield and agree to this modification that I have discussed.

On the financial disclosure amendment, the House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provisions for former military officers and civilians involved in defense procurement matters.

The House added a provision for a new Assistant Secretary—Assistant Secretary of Defense Health Affairs. That is a matter that they have added in several bills in recent years. We finally agreed to include that provision. I think that there is rather strong argument in favor of it and that the work can be centralized there.

At one time it was offered in such a way as to crowd out the Assistant Secretary on Systems Analysis. We never would agree to it in that form, because any Secretary of Defense is entitled to the very best personnel he can get. And it helps to give status in these matters of procurement and systems analysis evaluation.

We had a very complicated amendment considered on the Senate floor regarding independent research. The amendment was offered by the distinguished Senator from Wisconsin.

We finally agreed that the Senator would introduce a bill on that subject. The committee recommended a 20-percent reduction in funds. That passed the Senate in that form.

That amendment was very stoutly resisted by the conferees on the part of the House. Some rather complicated matters came up concerning it. However, after a most thorough consideration, we agreed

that would not disturb existing contracts and there would be an overall reduction of 7 percent in new contracts made for the rest of this year, the idea being that that is a temporary settlement of the matter and that we are getting into the field more explicitly, we hope to have better guidelines possibly by statute in the next year.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from Wisconsin. He is the author of the amendment to which I have just referred, and he did a great deal of fine work on it.

Mr. PROXMIRE. I want to say a number of things later, but first I want to say that I am very grateful to the Senator from Mississippi for the excellent job he did with regard to the amendments I introduced. I think he made a fine fight. I know it was not easy. I should like to ask him about this amendment.

Does the Senator agree that the effect of the amendment retained by the conference placed this practice of independent research—what I have in mind are loose rules and regulations—for the first time under the scrutiny and examination of both the Pentagon and Congress?

Mr. STENNIS. Yes. That is a correct statement. It will now have to be under the strict surveillance of the Pentagon, and this is a start whereby we can have legislative surveillance.

Mr. PROXMIRE. Is the effect of the amendment to limit the funds which the Pentagon allows to be written off by contractors for this purpose to 93 percent of the contemplated level of allowance for future contracts? In other words, there is at least a 7-percent cut in the amount which would otherwise be allowed in future contracts.

Mr. STENNIS. That is correct. The language appears a little odd, but that is the way it had to be drawn.

Mr. PROXMIRE. Does the Senator agree that this amount would be a cut of at least \$40 million to \$50 million over what it would otherwise have been and that it might in fact be more?

Mr. STENNIS. Yes, I think that is approximately correct. We found that there was no way to be accurate on that because of various conditions. I think I said at one time that it would run from \$30 million to \$40 million to \$50 million, but I think \$40 million to \$50 million is more nearly accurate.

Mr. PROXMIRE. I understood the Senator to say that this is a beginning. As I understand it, the Senator intends to hold hearings on this question and his committee intends to go into it in considerable detail.

Mr. STENNIS. That is exactly what we propose to do. It must be evaluated; it must be understood. I think it must be regulated somewhat, although I am impressed with the need for some operation in this field.

Mr. PROXMIRE. Would the Senator not also agree that the effect of the amendment is to give a clear notice to the procurement officials in the Defense Department that some past practices appear to those of us who have examined them to be questionable, indeed, and that

there needs to be a tightening of the regulations and controls under which this procedure has been practiced?

For example, my office was unable to find out from the Department of Defense or to find in the armed services procurement regulations any clear definitions or regulations which involved funds in excess of a half billion dollars a year.

Is this amendment not a clear notice to the procurement officials and to the Comptroller of the Pentagon that this entire area must be re-examined, tightened, and brought under control?

Mr. STENNIS. That is what we intend to do. We are going to follow that up by letter. No corruption or anything like that was found there.

Mr. PROXMIRE. I agree.

Mr. STENNIS. It was the inadequacy of the system and an application of that system. It is just intolerable, as I see it. It is an important field, however.

The committee will not bring in a recommendation again until we get a better system and a better understanding. That would be my position.

Mr. PROXMIRE. I should like to ask the Senator another question about this item and about the dollar amounts involved.

In the original amendment, it was considered that under the authorization some \$585 million originally would have been available for the independent research and development. We cut that by 20 percent, or one-fifth; and, as the report points out, the language "was intended to provide a reduction of approximately 20 percent in the funds which would otherwise be expended for this purpose during fiscal 1970."

The effect was to limit the total to \$468 million, or 20 percent of \$585 million.

The effect of the new amendment is to make a 7-percent cut, rather than a 20-percent cut.

By my calculations, this would be \$40.95 million, and would limit independent research and development expenditures to approximately \$544 million for next year. Is that not correct?

Mr. STENNIS. I think that is approximately correct. That is the best we could get at this time, with the lack of a system, and they do not know the extent of these contracts as yet. We could not be exact. The estimates on it went up. The gross estimates on the amount that could be involved went up.

Mr. PROXMIRE. I have some additional questions, but I will defer those, if the Senator wishes, while other Senators who are members of the committee speak. I will do whatever the Senator desires. I want to accommodate him.

Mr. STENNIS. I thank the Senator. The Senator from New Hampshire is versed in this matter, as are others. This matter was handled, however, as an amendment on the floor of the Senate, and I think we all are familiar with it.

Does the Senator have further questions on this matter?

Mr. PROXMIRE. Not on this matter. I have questions on other matters.

Mr. STENNIS. I would rather finish now. I thank the Senator.

Mr. President (Mr. Spang in the chair). Certain settlements were made

on the matter of the support of the Southeast Asia forces. There was no ceiling on that in the House bill, and they finally agreed to the \$2.5 billion figure contained in the Senate version; but the House would not agree to the amendment that was offered by the Senator from Kentucky (Mr. COOPER) and which was voted for by all of us. The question there was as to the meaning of the language, and that was in contest on the floor of the Senate. I have not had a chance to discuss this matter with the Senator from Kentucky, but I shall do so. I see him in the Chamber, and I am glad that he is present.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. I do not intend to discuss the conference action on the amendment at great length at this time, but I should like to ask the Senator some questions.

Mr. STENNIS. I yield to the Senator for such questions as he may have.

Mr. COOPER. I understood the Senator to say that disagreement in the conference arose over the meaning or the intention of the language. Would the Senator speak in more detail of disagreement?

Mr. STENNIS. As I recall, the question was whether it put a limitation on all the funds of the Department of Defense, or whether it was just on this \$2.5 billion.

With great deference to the Senator, I thought his language applied only to the \$2.5 billion, and the contention of the Senator from Kentucky was that it applied to all the funds appropriated for the Department of Defense. It is a very broad and a very far-reaching question, and we just could not make any headway with the House on that question. It pertains to war, some possible extension of the war.

Mr. COOPER. To try to secure as precise an answer as I can, I ask this question: Was the discussion in the conference, and particularly the objection of the House conferees, directed to the question, which we debated at great length on the floor of the Senate, that is—to whether the amendment I offered applied only to the \$2.5 billion which was authorized in the bill? That is an arguable question, and we debated it at some length. But the more substantive question, and the chief question, is this: Was there argument in the conference—did the question arise, as to whether funds should be appropriated for combat use of our troops in support of local force in a war in Laos?

That is the chief and substantive question, and that was my point.

Mr. STENNIS. This matter came up many times during the conference. The amendment had two phases: one was the ceiling and the other was the Senator's limitation. I recall that it was discussed from virtually every angle. I recall speaking with Representative RIVERS about it in one of our conferences on the items that were not agreed to. I also recall the discussions in the conference about settling this broad question through an amendment in this way—that we had not had hearings.

I think that was the main point. The main point on which the House objected was the lack of hearings in such a far-reaching policy question, without a delineation of the various parts, and so forth.

Mr. President, that was the overall reason that the House did not accept the amendment.

Mr. COOPER. I assumed that would be the reason.

Mr. STENNIS. Yes.

Mr. COOPER. I would like to discuss this matter for a few minutes.

Mr. STENNIS. Certainly. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Mississippi was kind enough to call me several times after the conference. I was not in Washington. I was in Kentucky. He told me that he wanted to discuss with me the action of the conference on the amendment. I appreciate his consideration very much.

Mr. STENNIS. The Senator is certainly entitled to that consideration. I wanted him to be informed, and I wanted him to be here when we took up the report, and it was only after we knew he would be here that we went ahead.

Mr. COOPER. The Senator is not only courteous but also very fair. I appreciate his consideration very much.

The information offered publicly to the country since August 12, when I first offered the amendment, gives more importance to the amendment. Before August 12, after I had studied the bill and had noted that in title IV the language which authorized funds for the use of U.S. troops in assistance of local forces in Laos and Thailand, two questions arose in my mind because of the language. The first question was a constitutional question, and that is always arguable, as to whether the President and I spoke of the Office, has the right to use combat troops in another country without the approval of Congress. I had thought that was a pertinent question because the Senate recently agreed to a national commitment resolution, which was supported by all Members except seven. I remember that the Senator from Mississippi spoke in support of the resolution.

The more substantive and immediate question was whether the United States would, by use of its combat forces, move into a new war in Laos and Thailand. At the time I did not have any absolute information as to what the United States was doing in Laos. There were rumors, but I must say I had no firm information. Since that time a series of articles has been published in the New York Times going into some detail about the involvement of the United States in Laos. In addition, the Senator from Missouri (Mr. SYMINGTON) has been very ably conducting a series of hearings on our foreign commitments. I shall not comment on what has been happening in that committee. Although I am a member of the committee, the hearings have been secret and I do not intend to comment upon any information that has been developed in the hearings. I shall follow the chairman, Senator SYMINGTON.

I must say I rely chiefly on the articles from the New York Times. Also I rely upon the statements which Secretary of

State Rogers has made to the press. If he is correctly reported, he said he thought Members of Congress or some Members know about the U.S. involvement.

I know that our activities in Laos are related to our operations in the war in Vietnam. For example, if we bomb the Ho Chi Minh Trail from bases in Thailand that is an operation supporting our forces in Vietnam. It is to deny the movement of supplies and forces down the Ho Chi Minh Trail.

In the debate on August 12 and on September 17, I did not question the right of the President, as Commander in Chief, to conduct activities in Laos which are directly related to the war in Vietnam; but I did question then and I question today the authority of the President—and again, I am not directing my remarks to President Nixon but to the office of President—because if these activities have been occurring, they have been occurring under the Presidents and they were initiated, according to the newspapers during the administration of President Kennedy. The activities increased under the administration of President Johnson.

If the newspapers are correct, the activities have been carried on under the administration of President Nixon.

The point I make is that no President ever declared to the American people or to Congress that the United States was assisting in combat activities in support of local forces in Laos. The forces of Laos are engaged in a civil war in Laos. The Pathet Lao are engaged and have been engaged for years in an attempt to strike down the established Government of Laos. The Pathet Lao has been assisted by the North Vietnamese forces, and, I assume, by Chinese work battalions.

The circumstances under which these activities began as in Vietnam were in a framework in which the United States was concerned about the Communist takeover of Southeast Asia. There was great concern about this possibility which many people do not remember today.

But the point I made when I offered the amendment, and the point I try to make now is that no President as Commander in Chief, has ever announced to the American people that he is using what he might consider to be his constitutional powers and that we were in combat activities in support of local forces in Laos. Certainly, Congress has never been informed or approved such actions.

We can agree to resolutions until doomsday and they will have their moral effect upon the President or upon Congress or upon the American people, but all such methods other than the certain constitutional method we might use—and the Senator from Mississippi knows this well because he is a great lawyer—are doubtful.

There is only one method which is certain and that is the prohibition of appropriations. That was the purpose of my amendment: To deny appropriations to carry on the use of American combat troops to support local forces in Laos or Thailand.

I remember the Senator argued, and I think it was arguable; from a technical viewpoint, that my amendment did not accomplish its purpose, that the Senator considered it went only to the \$2.5 billion that was authorized. That might be true. I considered this possibility, but I thought the meaning was perfectly clear to every one.

It was my intent that the amendment should bar use of any funds in any bill for the use of our combat troops in support of local forces in Laos or Thailand. The bill passed 86 to 0. The Secretary of Defense Laird sent a letter which was placed in the RECORD, saying my amendment would not accomplish my purpose, but everyone knew what its purpose was. Those who were there and heard the debate knew its purpose was to keep the United States out of another war in Laos. The only certain constitutional method to accomplish the purpose was and is the prohibition of funds.

I do not know how many other bills will be coming up which will carry funds for use of air combat forces in support of local forces in Laos or Thailand. I understand there are two. Is that correct?

Mr. STENNIS. Yes. Two.

Mr. COOPER. The military construction and the appropriation bill, I will offer the amendment again to close the door in every way that I can. I want to notify the Senator. It will direct the Senate to the issue we must determine whether we will, without the authority of Congress, become involved in other wars. If it is important for the security point of view, and Congress decides to give its authority, at least we will know where we stand. I do not believe it is essential to U.S. security. I will offer the amendment again.

Mr. STENNIS. I thank the Senator from Kentucky. I appreciate his remarks.

Mr. President, I have almost completed my speech now. Remarks on the chemical and biological warfare will be made by the distinguished Senator from New Hampshire (Mr. McINTYRE).

RESEARCH AND DEVELOPMENT

An 11-percent cut: Mr. President, in summary terms the bill provides for a reduction of 11 percent in research and development funds in the budget request as compared to an average of about 12 percent in the Senate version and 10 percent in the House version. In addition, Mr. President, I wish to emphasize that the military science budget activity was reduced in a manner which will give complete effect to the total reduction of some \$45 million adopted on the Senate floor relating to the Federal research centers, behavioral sciences, and certain other activities.

SPECIFIC RESEARCH AND DEVELOPMENT ITEMS

Mr. President, I shall not attempt to enumerate all of the items which were adjusted in the research and development program other than to mention certain of the principal ones.

First. The Sam-D missile for which the Senate bill authorized no funds and the House \$75 million was compromised at 60 percent.

Second. The AWACS for which the Senate authorized \$15 million and the

House \$40 million was finally agreed to in the sum of the House figure of \$40 million.

Third. On the CONUS Air Defense Interceptor for which the House authorized \$18.5 million and the Senate \$2.5 million the conferees agreed to the lower Senate figure.

Mr. President, in view of the fact that a number of other adjustments are fully set forth in the conference report and statement of managers I shall not recite these in detail.

GENERAL PROVISIONS

Turning now to the general provisions, Mr. President, I would like to discuss these items in their final form as they emerged from the conference.

PROFITABILITY STUDY

The conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records which he normally keeps in the normal course of business. It also takes away the subpoena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpoenas in proper and necessary cases when requested.

FINANCIAL DISCLOSURE

The House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provision for former military officers and civilians involved in defense procurement matters. The amendment of the House would substitute new language for section 403 of the Senate bill as suggested by the Department of Defense in its reclama letter of October 6, 1969.

NEW ASSISTANT SECRETARY FOR HEALTH AFFAIRS

The Senate agreed to a House provision providing for a new Assistant Secretary of Defense for Health Affairs with the added proviso that the number of Assistant Secretaries would be increased from seven to eight. This provision which was also contained in last year's procurement bill, but rejected by the Senate, was strongly insisted upon by the House.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. President, as the Senate may recall, the House version contained no language in its bill on the business of independent research and development. The Senate version contained a section limiting this activity to \$468 million for fiscal year 1970, representing a 20-percent reduction in this program. A compromise was adopted by the conference under which for new contracts incurred after the effective date of this act the Department of Defense is directed to restrict the funds available for this activity to 93 percent of what they would normally contemplate for this use. This restriction applies only to the funds authorized in this legislation. Both committees agreed that this matter will receive thorough hearings next year.

Mr. President, I would like to observe that the activity of independent research and development needs much better supervision and management on the part

of the Department of Defense based on the limited attention we were able to extend to it this session. At one point the Senate Committee was advised that about \$580 million would be expended out of the authorized funds for fiscal year 1970. The House Committee some weeks later was advised that about \$702 million might be expended for this general purpose. The simple truth is I do not believe the Department knows how much money will be spent in the general area of independent research and development, bid and proposal, and other technical effort. While I am sure there is much good work accomplished under these programs, it is at the present time beyond the decisionmaking process in the Congress in terms of the budget. The Congress therefore has no means of evaluating or controlling these large sums to any precise degree.

It would appear that the only means of bringing this matter under any control would be to have it as a line item in the budget in order that it can be presented and justified in the normal way. I point this out in order for the Department of Defense to be on notice with respect to the intention of the committee of having detailed hearings and bringing about some change in the way this matter is presently being handled.

SUPPORT FOR SOUTHEAST ASIA FORCES

Mr. President, the limitation of \$2.5 billion contained in the Senate version of section 401 was retained by the conferees. The added language regarding the use of these funds for the support of local forces in Laos and Thailand was rejected by the House conferees because of its ambiguity. As the Senate may recall, this latter item was Senator COOPER's floor amendment, which was adopted.

NUCLEAR CARRIER STUDY

The House version contained no provision similar to the Senate version requiring a study for the CVAN-70 prior to any authorization. As finally adopted there will be a joint study by both the committees prior to the authorization of any additional carrier.

EXPANSION OF AUTHORIZATION AUTHORITY

The House version would have extended the requirement for authorization legislation prior to appropriations to "all other vehicles, weapons and ammunition." This matter was compromised by the adoption of language limiting this expansion to other weapons with this term being limited principally to artillery, rifles, small weapons, and the like, as defined specifically in the statement of managers.

TROOP STRENGTH CEILING

The conferees adopted the House version on the active duty ceiling which provides that after July 1, 1970, not more than 3,285,000 personnel may be on active duty in the Armed Forces unless a Presidential exception is made.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. President, the conferees agreed to what might be considered a compromise in both the House and Senate versions of this matter. Senator McINTYRE will explain this matter fully, but I would point out that the new language requires the following:

First, that Congress be kept informed of all expenditures relating to chemical and biological warfare.

Second, that the program, including testing and transportation, be conducted in a manner consistent with a due regard for public health and safety.

Third, that the program be conducted in a manner which respects the sovereign independence of other nations and U.S. obligations under international law. In addition, it prohibits procurement of systems specifically designed for disseminating lethal chemical and biological agents except with the approval of the President. The bill underscores congressional determination to keep this program under firm control by directing \$10.5 million reduction in the program's research and development funds.

GAO AUDIT AND REPORT LANGUAGE

Mr. President, I regret to say that the

House was adamant in its refusal to adopt the Senate provision requiring quarterly reports by the General Accounting Office of major defense contractors. This amendment, as we know, was offered by Senator SCHWEIKER. The House felt, however, that except for the subpoena power, existing procedures allowing this type of reporting was not justified.

PROVISIONS IN THE HOUSE BILL NOT ADOPTED BY CONFEREES

Mr. President, in order that there may be a record on the cooperation between the two groups I would like to point out the provisions contained in the House version which were dropped altogether by the conferees: Language requiring for the mandatory procurement and storage of supplies for Reserves; a Deputy Assistant Secretary of Defense for Dental Affairs; Lieutenant general rank for the

Chief of the National Guard Bureau and Chiefs of the Army Reserve and Air Force Reserve; language requiring a travel allowance for overseas travel for military dependents attending college; a special provision regarding retired pay; special language requiring destroyer construction in at least three shipyards, and language which would have required reporting to the Senate and House and a 60-day waiting period for all research and development contracts with colleges and universities.

I cite the foregoing, Mr. President, to indicate the fact that although the Senate did not retain all of its provisions the House likewise did not prevail in many of the items adopted by that body.

There being no objection, the fiscal data charts were ordered to be printed in the RECORD, as follows:

SUMMARY OF ENTIRE BILL PROCUREMENT

[In thousands of dollars]

| | Conferees agree on | Authorized, fiscal year 1969 | Appropriated, fiscal year 1969 | Authorization requested fiscal year 1970 | | As passed by the Senate | As reported by House committee |
|---|---------------------|------------------------------|--------------------------------|--|-------------------|-------------------------|--------------------------------|
| | | | | Jan. 14, 1969 | Apr. 15, 1969 | | |
| Aircraft: | | | | | | | |
| Army..... | \$570,400 | 1,735,447 | \$735,247 | \$941,500 | \$941,500 | \$484,400 | \$570,400 |
| Navy and Marine Corps..... | 2,391,200 | 2,406,988 | 2,311,284 | 2,568,900 | 2,409,200 | 2,287,200 | 2,391,200 |
| Air Force..... | 3,965,700 | 5,212,000 | 4,460,000 | 4,406,000 | 4,100,200 | 3,965,700 | 4,002,200 |
| Missiles: | | | | | | | |
| Army..... | 880,460 | 956,140 | 908,040 | 1,347,660 | 957,660 | 922,500 | 780,460 |
| Navy..... | 851,500 | 848,122 | 673,016 | 865,100 | 851,300 | 851,300 | 851,300 |
| Marine Corps..... | 20,100 | 13,500 | 13,500 | 20,100 | 20,100 | 20,100 | 20,100 |
| Air Force..... | 1,486,400 | 1,768,000 | 1,720,200 | 1,794,000 | 1,486,400 | 1,466,000 | 1,486,400 |
| Naval vessels: Navy..... | 2,983,200 | 1,581,500 | 820,700 | 2,698,300 | 2,631,400 | 2,568,200 | 3,591,500 |
| Tracked combat vehicles: | | | | | | | |
| Army..... | 228,000 | 299,426 | 286,626 | 298,300 | 305,800 | 276,900 | 195,200 |
| Marine Corps..... | 37,700 | 10,800 | 10,800 | 37,700 | 37,700 | 37,700 | 37,700 |
| Total procurement..... | 13,414,460 | 13,832,013 | 11,939,613 | 14,977,560 | 13,741,260 | 12,880,000 | 13,926,460 |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | | | | | | | |
| Army..... | 1,646,050 | 1,611,900 | 1,522,665 | 1,822,500 | 1,849,500 | \$1,626,707 | 1,664,500 |
| Navy (including Marine Corps)..... | 1,968,235 | 2,205,741 | 2,141,339 | 2,207,100 | 2,211,500 | 1,911,343 | 1,990,500 |
| Air Force..... | 3,156,552 | 3,438,594 | 3,364,724 | 3,594,300 | 3,561,200 | 3,041,211 | 3,241,200 |
| Defense agencies..... | 450,200 | 487,522 | 472,600 | 500,200 | 500,200 | 454,625 | 450,200 |
| Emergency fund..... | 75,000 | 50,000 | 50,000 | 50,000 | 100,000 | 75,000 | 75,000 |
| Total, research and development..... | 7,296,042 | 7,793,737 | 7,551,328 | 8,174,100 | 8,222,400 | \$7,108,886 | 7,421,400 |
| Grand total..... | \$20,710,502 | 21,625,750 | 19,490,941 | 23,151,660 | 21,963,660 | \$19,988,886 | 21,347,860 |

¹ Of the amount requested for authorization, \$25,000,000 is to be derived by transfer from stock funds.

² Of the amount requested for authorization, \$325,000,000 is to be derived by transfer from stock funds.

³ In addition to these amounts this bill authorizes \$12,700,000 for construction of facilities at Kwajalein.

| FISCAL DATA | |
|---|------------------|
| Requested by Secretary Clifford..... | \$23,151,660,000 |
| Agreed to in conference..... | 20,710,502,000 |
| Less than amount requested by DOD, Jan. 14, 1969..... | 2,441,158,000 |

| | |
|--|----------------|
| Requested by Secretary Laird, Apr. 15, 1969..... | 21,963,660,000 |
| Agreed to in conference..... | 20,710,502,000 |

| | |
|--|---------------|
| Less than amount requested by Secretary Laird..... | 1,253,158,000 |
|--|---------------|

| | |
|------------------------------|----------------|
| Approved by House..... | 21,347,860,000 |
| Agreed to in conference..... | 20,710,502,000 |

| | |
|---------------------------|-------------|
| Less than House bill..... | 637,358,000 |
|---------------------------|-------------|

| | |
|-----------------------------|----------------|
| Approved by conference..... | 20,710,502,000 |
| Approved by Senate..... | 19,988,886,000 |

| | |
|----------------------------|-------------|
| More than Senate bill..... | 721,616,000 |
|----------------------------|-------------|

| PROCUREMENT | |
|------------------------|----------------|
| Approved by House..... | 13,926,460,000 |

| | |
|-----------------------------|------------------|
| Approved by conference..... | \$13,414,460,000 |
| Less than House bill..... | 512,000,000 |

| | |
|-----------------------------|----------------|
| Approved by conference..... | 13,414,460,000 |
| Approved by Senate..... | 12,880,000,000 |

| | |
|----------------------------|-------------|
| More than Senate bill..... | 534,460,000 |
|----------------------------|-------------|

| | |
|--|----------------|
| Requested by Secretary Laird, Apr. 15, 1969..... | 13,741,260,000 |
| Approved by conference..... | 13,414,460,000 |

| | |
|--|-------------|
| Less than amount requested by DOD..... | 326,800,000 |
|--|-------------|

| RESEARCH AND DEVELOPMENT | |
|--|---------------|
| Requested by Secretary Laird, Apr. 15, 1969..... | 8,222,400,000 |
| Approved by conference..... | 7,296,042,000 |

| | |
|--|-------------|
| Less than amount requested by DOD..... | 926,358,000 |
|--|-------------|

| | |
|-----------------------------|---------------|
| Approved by House..... | 7,421,400,000 |
| Approved by conference..... | 7,296,042,000 |

| | |
|---------------------------|-------------|
| Less than House bill..... | 125,358,000 |
|---------------------------|-------------|

| | |
|-----------------------------|-----------------|
| Approved by conference..... | \$7,296,042,000 |
| Approved by Senate..... | 7,108,886,000 |

| | |
|----------------------------|-------------|
| More than Senate bill..... | 187,156,000 |
|----------------------------|-------------|

Mr. STENNIS. Mr. President, at this point I want especially to acknowledge the diligence and the efforts put forth on the part of the Senate conferees on this complicated and far-reaching matter.

All of the Senate's representatives—Senators RUSSELL, SYMINGTON, JACKSON, CANNON, MCINTYRE, Mrs. SMITH of Maine, THURMOND, TOWER, and DOMINICK—represented the Senate in the highest meaning of the word and in the best tradition of the Senate.

Especially, I thank the Senator from Maine (Mrs. SMITH), the ranking Republican member, for her hard work and the special support she extended to me.

Mr. President, I do not want to hold the floor indefinitely. I yield at this point to the Senator from Maine (Mrs. SMITH) for her remarks.

Mrs. SMITH of Maine. Mr. President, I want to thank the distinguished chair-

man of the committee, the Senator from Mississippi (Mr. STENNIS), for yielding to me.

As the ranking minority member of the Committee on Armed Services, I fully support the conference report on this military procurement legislation. I commend the able, distinguished, and dedicated chairman of the committee especially for his diligence and his patience throughout the conference.

The conferees were most pleasant to work with.

It was a long conference, but I think a very worthwhile one. I found it a real privilege to be one of the conferees to serve on the part of the Senate.

Mr. President, after the heated controversy over this legislation, I am amazed that the House of Representatives approved the conference report without a word said against it and by a voice vote.

I do not understand how those who voiced vigorous opposition to this legislation in the House of Representatives suddenly became silent.

While I am supporting the conference report in the Senate, I certainly hope that there is greater debate here in the Senate on the conference report and that the voices of the critics of the Department of Defense will not be stilled and remain silent but, instead, that we can have the benefit of greater debate in the Senate on the conference report.

Mr. President, I shall not attempt to discuss the details of the final bill which the Senator from Mississippi as chairman has so ably and fully outlined in his statement.

I would, however, like to note a few general observations.

First, as the Senate knows, this particular bill has probably been the most thoroughly debated item of legislation which has been considered by the Senate in recent years.

The final product, I believe, represents a good bill and is proof of the validity of the legislative process.

As a whole, this bill will provide, I think, sufficient authorization for the Department of Defense to meet the defense needs for fiscal year 1970.

Despite all the differences and views within Congress, we all recognize that an adequate military posture is essential to this country in these uncertain times.

The one aspect of the bill on which I would make special comment is the reductions in research and development which approximate 11 percent for the entire Department of Defense, with the final figure being \$7,296,042,000. While any program can be subject to savings, it is my view that the reduction is probably too great in this area. Without a strong research program obsolescence in weaponry is assured in relatively few years. This is a danger against which we must guard. I am confident, however, that next year when these programs are reexamined that possibly when detailed information is received from Defense, greater support will be generated within the Congress.

I would observe, Mr. President, that one of the difficulties in the R. & D. program is the labels used for the programs—such terms as behavioral sci-

ences, sociological programs, and the like. I do not think the Department of Defense has done its best job in categorizing these programs. At the same time I do not think the Congress should condemn them solely because of the names that have been given. All issues should be considered on the merits and great caution should be exercised both in committee and on the floor of the Senate before making drastic cuts. I hasten to add that I intend no criticism of the views which individual Senators may have on this subject, however.

In conclusion, Mr. President, this bill which contains a final authorization of \$30.7 billion, as compared to \$21.3 billion as passed by the House and \$19.9 billion as passed by the Senate, represents a fair compromise between the two bills and is a strong bill.

I urge adoption of the conference report by the Senate.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Maine for her comments and for the substance of what she had to say.

Mr. President, I ask unanimous consent that I may now yield to the Senator from New Hampshire (Mr. McINTYRE), a very valuable member of the conferees, who did some special work in a special field, as well as general work which he did as well.

Mr. McINTYRE. Mr. President, I thank my distinguished chairman for yielding to me at this time.

Before I go into a little bit of detail, Mr. President, as to the research and development end of this authorization bill, let me say to the Senate that this was my first conference as a member of the Armed Services Committee. The conference was chaired by the Senator from Mississippi (Mr. STENNIS). From my experience and observation, he kept matters moving. His fair and objective manner was of paramount importance in many difficult sessions.

No man could have fought any harder to retain the commitments he made to the Senate and to bring through the amendments approved earlier this year on the Senate floor than the Senator from Mississippi (Mr. STENNIS).

Mr. President, as a New Englander I found his patience almost beyond belief. Truly, his was outstanding and really brilliant leadership during the course of the conference, similar to that we all know during the course of action on the bill earlier on the Senate floor.

Mr. President, let me highlight some of the things that we went to conference with, and what we accomplished.

As a member of the Research and Development Subcommittee the field of military science completely baffled me as we began to look into it. It seemed to permeate all through the budget being offered by the Department of Defense. Various services seem to have different ways of spending the money.

To the best of my ability, I believe that the total amount the Department of Defense asked for in military science was something in the vicinity of \$600 million.

This money, as the Senator knows, was to be spent for the Federal contract research centers, some of it spent in

house, and some in conjunction with mass university programs, like the Themis program that the Senator from Arkansas (Mr. FULBRIGHT) is so interested in. The Senate's recommendation was a cut in the vicinity of \$90 million. We more than sustained that, with an overall cut of \$94.9 million in this field. This represents a cut of some 15 percent.

I believe it is notice to the Defense Department and those agencies concerned with military science that information on this work must be clarified, so that members of the Armed Services Committee of the Senate, and the House, too, for that matter, can get a grip on it.

In another area of importance—chemical and biological warfare—the Senate proposed a cut of some \$16 million directed at offensive research and development. We had to recede from this cut specifically directed at offensive research and development on lethal chemicals and biologicals to an eventual cut of \$10.5 million to be applied generally to research and development in this area. This cut of \$10.5 million represented a 12-percent reduction in the funds requested in the budget.

One of the most complicated parts of the conference was the amendment passed in the Senate by an overwhelming vote of 90 to 0 to exercise some influence, some control, and bring some understanding into a field—our chemical and biological weapons program—that had been in the past swept under the rug.

Mr. President, I would like to say a few words at this time in explanation of the CBW restrictions which were approved by the conferees.

While these restrictions are somewhat less than those approved originally by the Senate alone, they preserve the essential elements of the Senate package, several of which were not present at all in the bill passed originally by the House.

They may not be ideal, but they constitute an important first step in the assertion of congressional control over our CBW program. They should give us an excellent base on which to build over the coming year.

Several of these restrictions were approved independently by both the Senate and the House. Included in this category are provisions calling for:

First. A full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test, evaluation, and procurement programs.

Second. Advance notice to foreign nations before the deployment of CBW agents or delivery systems specifically designed to disseminate such agents on their soil.

Third. A review by the Secretary of State to insure that CBW activities conducted by the United States abroad are consistent with international law.

Also included in the conference-approved package are restrictions covering the transportation and open-air testing of lethal chemical agents and all biological agents. Both the Senate and the House bills contained provisions regulating these two activities. The restrictions

in the two bills differed so significantly, however, that a short explanation both of these differences and of the restrictions approved by the conference is in order at this time.

The House bill gave to the Secretary of Health, Education, and Welfare a purely advisory role. He could review any proposed transportation and open-air testing and make recommendations regarding it, but the Secretary of Defense was free to act upon these recommendations or disregard them as he saw fit. And notification of any such activities was to be made only to the Armed Services Committees of both Houses and only 10 days in advance of the activities themselves.

The Senate bill, on the other hand, gave to the Surgeon General of the Public Health Service the power to stop any proposed transportation or testing which he found to be unsafe. And notification of these activities was to be made 30 days in advance to a number of congressional committees and to the Governors of any State through which agents might be transported.

I believe that the conference-approved restrictions in this area preserve the essentials of the Senate version. In the future the Surgeon General will be empowered to review transportation and testing activities proposed by the Department of Defense and to determine what measures must be taken by the Department in conjunction with these activities to protect the public health and safety. In most instances, the Surgeon General's determination will be binding on the Secretary of Defense. Only if the effect of the Surgeon General's determination is to prevent entirely the proposed transportation or open-air testing will the Department of Defense have any other recourse. In that event, and only in that event, will he be able to request the President to make a determination that the transportation or testing in question is required by overriding considerations of national security notwithstanding the dangers to the public health and safety. Notification of proposed activities will be provided under the conference-approved language to the President of the Senate and the Speaker of the House and to the Governors of States through which agents are to be transported. Reports received by the President of the Senate can be obtained by Senate Members with an interest in reviewing them.

Also included in the conference-approved package is a restriction prohibiting the further procurement of delivery systems specifically designed to disseminate lethal chemical and all biological warfare agents and also delivery system parts and components specifically designed for such purpose. This restriction is a modification of a provision in the original Senate bill, no counterpart to which appeared in the House bill. It differs from the original Senate provision in two respects: First, it prohibits such procurement only during fiscal year 1970. Second, it can be suspended by the President upon his certification to the Congress that such suspension is necessary to the safety and security of the United States.

As I said earlier, these restrictions are an important first step and an excellent base on which we can now build.

Hearings will be held in the near future to review in detail every facet of our CBW program and to determine what additional steps must be taken in this area.

I hasten to add that there seem to be two differences between the CBW restrictions, which appeared in the Record text of the conference report passed by the House yesterday and the CBW restrictions which were actually agreed to by the conferees. I would like to call attention to these differences at this time.

The first is found in section 409(b), subsections (2) and (3). In both of these subsections the conferees adopted language which called for a "determination" by the Surgeon General. By action of legislative counsel, this call for a "determination" was replaced by a call for a "recommendation."

In talking this morning with the legislative council of the Senate, who participated in this change, I was told that there is no difference in the legal effect.

In the total context of section 409(b) I agree that this is the case. Nonetheless, I still feel that the word "recommend" has a weaker connotation than the word "determine," and I regard the change as unfortunate. It was clearly the sense of the conferees, when section 409(b) was passed and agreed to, that the Surgeon General would be in a position to make determinations; and not just recommendations that could be brushed aside; that the Secretary of Defense would be bound by determinations of the Surgeon General unless he got a Presidential determination that overriding considerations of national security required a specific instance of transportation or testing notwithstanding the danger to the public and safety.

I feel that this intent of the conferees is preserved in the changed version, but I want to underscore that intent at this time.

In subsection (f) of section 409 there is another change from the conference language, a change that is somewhat difficult to explain, but which can be made clear linguistically by comparing the language passed by the House with that agreed to by the conferees.

The House language yesterday reads as follows:

None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

The language agreed upon by the conferees was as follows:

None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designated to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any delivery system part or component specifically designed for such purpose unless the President shall certify to the Congress that such procurement is es-

sential to the safety and security of the United States.

The difference here, Mr. President, is in the phrases on parts and components. It was the intent of the Senate conferees, by using the agreed to language, to put a moratorium on the procurement of such items as the poison bullets recently referred to in the New York Times. Since the guns from which they are fired are not specifically designed to disseminate CBW agents, these bullets might not be covered under the changed language. I regret very much that this change also was made, but there is nothing, apparently, that I can do at this time except to make this brief explanation of the clear intent of the conferees.

Moving on quickly to a few remaining matters. The House had an unspecified overall R. & D. cut in their bill, which Chairman RIVERS had said many times would amount to some 10 percent. However, due to some of the additions made in the closing days of House hearings, and on the floor of the House, that the unspecified cut really dropped to somewhere between 9.5 and 9.8 percent.

The Senate made across-the-board cuts on R. & D. amounting to 12.5 percent. It was therefore agreed, in conference, that we would go to the figure of 11 percent, and compromise at that point.

Mr. President, the efforts of the R. & D. subcommittee of the Senate to scrutinize various systems and projects, to seek out areas of duplication, or parallel development, or to hold down costs where ultimate procurement ran into hundreds of millions and even billions of dollars, were met in most cases by a strong reclamation by the Department of Defense on the House side, many items we cut were included in the House bill.

It seemed very strange to me that the items that we specifically deleted, or that we stretched out in significant fashion, suddenly became, as far as the Department of Defense was concerned, items of highest priority. In any event, the end effect is that the reductions that we made in specific items were reduced from a figure of about \$250 million to a figure of about \$100 million to \$110 million.

Mr. President, we need, on the Senate side, better information and better presentations on the items which committees are called upon to examine. We received erroneous amounts during our briefings. On the chemical and biological warfare program, for instance, it was only 2 months after DOD told us that they were seeking the sum of \$270 million that they expanded that request by another \$43 million, to make it \$313 million.

In one particular instance, after we had cut sharply a particular project, the appeal was made to us by the Department of Defense that "We must be allowed to continue this for another year; we are on the verge of a great breakthrough which will mean a much less expensive missile. We need more time and more money."

Mr. President, the chairman of this committee knows we need more staff experts to assist us. When you are looking at an \$8 billion request, you can be overwhelmed by its size, and then you are susceptible to being outmaneuvered

by the expertise and the superior knowledge of the Pentagon staffs with their thousands upon thousands of experts. It is unfortunate, it seems to me, that as legislators we cannot apply the decisional process to more and more of these costly programs.

In R. & D., one of the big arguments is—and it comes up at the conferences, it comes up in the hearings, and it comes up in the extensive briefings—"Look, we have already got an investment here of \$175 million."

So we have to fall back on the "unspecified cut." And, of course, generally that is what has happened here, falling back on the unspecified cut; and the decisional process is thus handed back to the executive branch.

But, Mr. President, there are reasons to be optimistic about the future. I think the Department of Defense has got the message, at least as far as the Senate is concerned; and I think, from the way the House Members of the conference talked, they have the message too. Future requests will be broken down in more detail. We are going to get more line items.

Briefings and presentations to the committees are going to be better. They are already quite good, I must say, but we are going to get more justification for these goods and services. The committee will be looking forward to fiscal year 1971, when we expect to have a great deal more time than we had this year to study, observe, and question.

The Department of Defense is not all to blame. Many times in the past we have simply not made the proper inquiry, and asked the tough questions we should have asked over and over again. There are millions of dollars to be saved here, without impairing either our technological base or the security of this Nation.

In summation, then, the conferees have agreed to a reduction in the amount for R. & D. of \$926,358,000. But, Mr. President, I must say that, of this amount, some \$315 million, or thereabouts, was a self-inflicted cut by the Department of Defense in the area of the MOL, the manned orbiting laboratory, and the Cheyenne helicopter.

This leaves about \$611 million that the Armed Services Committee of the Senate and of the House of Representatives have agreed, as Members of Congress, to cut out of this R. & D. program; and of that amount, about \$225 million, I am happy to say, was directed at individual programs.

Mr. President, I cannot be seated without saying a word of praise for Ed Braswell, who has been chief counsel of our committee, for his frequent help, and also to Col. Everett Harper, who time and time again has come up with information and assistance which has made this an interesting challenge, at least for this Senator.

I think our efforts have made this a much better bill; and, thank goodness, we have saved at least some money.

Mr. STENNIS. I thank the Senator very much, and I strongly endorse the sentiments expressed by the Senator from New Hampshire regarding the problems he has mentioned, including those he worked so hard and so effectively with

reference to research and development, biological and chemical warfare, and related matters. He worked, too, on this independent research question, and I look forward to his doing a great deal more in the future.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; Mr. President, I ask unanimous consent that I may yield to the Senator from Arkansas for 10 or 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to express my appreciation to the Senate conferees, especially the chairman of the committee, for the successful retention of the Senate amendments in this field of defense research which he has just referred to, and which the Senator from New Hampshire has already discussed.

We had some considerable discussion about this item, of course, when the matter was before us before, and the amounts involved, in cutting back on the research on the social sciences and general research, and the research by the so-called think tanks of the universities under Project Agile. I think the committee, the Senator from Mississippi, and the Senator from New Hampshire are to be congratulated, because I think this is a significant step in the right direction.

Mr. STENNIS. Mr. President, we thank the Senator for his remarks, and are glad that we were able to get his amendment adopted.

Mr. FULBRIGHT. I was very pleased with that. But, Mr. President, there is another item in this conference agreement which I should like to discuss briefly.

The agreement includes an item of \$28 million for development and initial procurement of an "international freedom fighter," as the Pentagon calls it, an aircraft for which there is no U.S. defense requirement.

It is not even suggested that this is being designed, tooled up, or produced for the requirements of our Air Force. The fighter to be developed with this money—which is likely to be only a starter—is not for our own American Armed Forces but is to be given or sold to foreign countries.

This is a proposal for back-door foreign aid and the subsidy to tool up for producing this plane should not be charged off to the defense budget but to the foreign aid program—if, indeed, the taxpayers are forced to foot the bill at all. Earlier this year the House sent to the Senate a bill containing \$14 million for this project, but the Senate Armed Services Committee, wisely I think, did not act on the bill. When Secretary Laird appeared before the committee on Foreign Relations on the foreign aid bill on July 15, I questioned him about the House proposal. He was very emphatic that the House committee acted on its own and not in response to an administration request.

It is very unusual. Here is a situation in which the House committee on its own initiative proposed this matter.

Secretary Laird said in testifying be-

fore the Committee on Foreign Relations:

As far as the \$14.5 million, I want to make that very clear that this was not a request of the Department of Defense or the Air Force. This was not approved by the Bureau of the Budget or the Air Force.

Here is an item not approved by the Bureau of the Budget. The Senator knows what happens when one tries to get some item in some other bill that has not been approved by the Bureau of the Budget. I tried the other day to get the budget amount on the exchange program increased. It was \$4 million short of what the Budget Bureau recommended. The committee would not do that. However, this proposal for a so-called freedom fighter has not been approved by the Bureau of the Budget or by the Defense Department.

Secretary Laird further said:

This request came from the Congress, and it was on the initiative of the House Armed Services Committee.

Mr. President, this brought to mind a little article that appeared in a newspaper in my State of Arkansas. It was also published in the Washington Evening Star. The article gives an explanation of the origin of this particular item.

The article is from the UPI reporter as printed in the Arkansas Gazette on November 1, 1969. The same article was published in the Washington Evening Star.

The article, under the headline, "Rivers Says His Successors Exceed Caesar's, Vows Not to Give Up Toga," reads:

Representative L. Mendel Rivers (Dem., S.C.), chairman of the House Armed Services Committee, boasted Friday that his legislative success exceeds anything recorded by "Julius Caesar in all his glory" and vowed he would not "surrender his toga."

Buoyed by his success Thursday in persuading the House to limit its draft reform action to passage of President Nixon's lottery selection plan, Rivers took note of critics who want to depose him.

Asked particularly about a charge by Representative Richard Bolling (Dem., Mo.) that Rivers had blocked full debate on draft reform and was not really interested in the matter, Rivers said:

"I don't care to discuss Mr. Bolling personally. But whenever anybody thinks about us and our Committee, one can't criticize success, because we've never gotten 150 votes against us. And Caesar in all his glory cannot make that statement."

That is where the agreed item for the freedom fighter originated. And of course no one can turn down Julius Caesar.

Since the article is very short, I will read the remainder of it into the Record. It reads:

Rivers reportedly resents a reference to him in a recent Playboy magazine article written by Bolling, a persistent critic of the congressional seniority system.

"Among the most right-wing chairmen is Mendel Rivers of Charleston, S.C., a Snopes who whispered support for Hubert Humphrey in the 1968 presidential election while winking at the supporters of George Wallace," Bolling wrote.

According to one unconfirmed report, an aide of Rivers called Bolling's office to say "the chairman" had read the Playboy article and wanted to know the meaning of

"Snopes," the name of the rural Mississippi family created by the late novelist William Faulkner.

"Well," a Bolling staff member replied, "it means white trash."

"Oh, thank you," Rivers aide said, and hung up.

I think it is disgraceful that a chairman can go beyond the Bureau of the Budget and beyond the jurisdictional provisions in our committee system in a case in which foreign aid is not a responsibility of his committee but is a responsibility of the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Yet, as the House Committee on Armed Services finished its markup on the authorization bill, the Defense Department announced that it now favored the project and said it needed as much as \$64 million in fiscal year 1970 to move ahead with it.

After the Secretary of Defense himself said the Defense Department did not initiate it and the project did not have their approval, even our Secretary of Defense could not resist Julius Caesar either. The Defense Department itself had to give up and knuckle under.

They finally wrote a letter under date of September 24 endorsing the project. This item is a special project dear to the heart of the chairman of the House Committee on Armed Services.

At that time, Deputy Secretary of Defense Packard told the committee that about 325 fighters would be needed for "Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years." Incidentally, the Foreign Relations Committee was not formally advised of this change in position until a month later, when Secretary Laird sent me a letter about the project.

After the House committee's approval of \$52 million for the project, I asked the Department to give me a country-by-country breakdown of where the planes might go and this was the response:

For improvement of South Vietnam's own defense capability, which is considered the most pressing requirement, we shall require 75 fighters. For Taiwan we will need 150. For Korea we need about 90 and for Thailand we may need 18. For the European peripheral defense countries of Turkey we will need 72 and Greece, 54. All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

I stress the fact that, in the Department of Defense's own words—

All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

That is the crux of the matter; this is basically a foreign policy issue and it should not be handled merely as a regular weapons project.

The available military assistance funds, I point out for the information of the Senate, are arrived at by the giving of military assistance funds from the foreign aid legislation and not from the Department of Defense. The only item we propose here that could reasonably be considered in the Department of Defense is the item for South Vietnam. That is just a small part of it. It is not by any means a large item.

Providing a subsidy to private companies for development of an aircraft suitable only for use by foreign countries—poor countries at that—involves many grave questions of foreign policy which should receive careful study by the Foreign Relations Committee and the Senate. The Foreign Relations Committee has devoted much study over the past several years to the Government's arms sales and grant programs. It has found much wanting with these policies and has initiated many corrective changes. But much remains to be done and I am confident that further improvements will be made in connection with its work on the foreign aid and military sales bills.

There are serious policy issues involving our future military relationships with all of the nations listed in the Department's market list. There has been no determination by the Committee on Foreign Relations that supplying these planes to these countries is in the national interest. I am especially concerned over the emphasis placed on supplying a large number of these planes to Vietnam. The clear implication is that we expect to carry on the war by proxy for years to come. The Congress should not approve additional arms aid to foreign countries, as this project, in essence, would do, without the most careful study by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

I regret that the Senate conferees agreed to this item. It violates the traditional procedure for the presentation of administration program requests, and its handling in this manner is flagrant disregard for the jurisdiction of the Senate as well as that of the Committee on Foreign Relations. It is both bad policy and a bad way to make policy.

The Foreign Relations Committee will, at some point this session, resume its consideration of foreign aid and this matter will be given further consideration at that time.

Mr. President, in view of this item, I cannot support the authorization bill.

I think it violates, as I say, the traditional and usual procedure of following the recommendations of the Bureau of the Budget. All I can do, as the Senators know, is to vote against the conference report. If I could, if it were permissible under the rules, I would move to delete the item. However, I cannot do it. Therefore, I have no remedy other than to vote against the conference report itself.

I point out again that this matter offends me because many of the people who support subsidizing freedom fighters for foreign countries are dead set against foreign aid. So this is, in a way, a disguise and a way to pick out an item from the foreign aid program and have it approved as part of the Defense Department appropriation.

This is a violation of the proper way to run our committee system and to appropriate money for the Defense Department.

Mr. STENNIS. Mr. President, in response to the Senator from Arkansas, and quite briefly, I wish to say that I have never seen anyone work harder in a conference than the chairman of the House

committee, Representative RIVERS, who is unusually well versed in this field, very active, and highly capable. I know that the reference in the article to Julius Caesar was in fun. Representative RIVERS does have a great deal of influence over there.

Mr. FULBRIGHT. The Senator cannot say it is wholly without basis, can he?

Mr. STENNIS. He has worked hard for many years.

On this matter, it is outside the budget; that is true. But as to this proviso providing for open competition and even stripping down the present planes, those things were brought up and discussed by Representative RIVERS. We did not yield on this for a long time. This was the last major item that was settled, and it was fully discussed.

The most significant thing we had before us was a letter from the Secretary of Defense. He was outside the budget. Nevertheless, he sent a letter—one to me and one to Chairman RIVERS. I will not read all of it, but the last paragraph reads:

In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.

I consider the key words to be "retain an option." Personally, I am not pledged to support an appropriation of this kind. I have to consider it further.

This is limited to Southeast Asia.

Mr. FULBRIGHT. No, it is not limited. I beg the Senator's pardon. The letter from the Department says that some of these planes will be given to Greece and Turkey.

Mr. STENNIS. Our amendment is limited to Southeast Asia.

Permit me to finish that thought. It spelled it out, because we considered that the extent of the jurisdiction of the Committee on Armed Services. I know that if a plane is researched and built, it will go beyond Southeast Asia—that is commonsense. But the Committee on Foreign Relations, of which the Senator from Arkansas is chairman, would have to authorize the funds for the purchase by military assistance, at least for any country outside Southeast Asia.

Mr. FULBRIGHT. I am very pleased to hear the Senator say that. I was not clear on that point. Then, the planes that the Defense Department says they anticipate giving to other countries will have to be authorized in foreign aid.

Mr. STENNIS. That is very clear to me, and that was discussed in the conference at great length, and it was agreed to. We even spelled it out in the amendment.

Mr. FULBRIGHT. I appreciate the Senator calling that to my attention. I did not understand that.

Mr. STENNIS. We should have called it to the Senator's attention.

I think the legal situation makes some difference. As a practical matter, although I am quick to agree that if a plane is going to be built not to be limited just to that—

Mr. FULBRIGHT. That is a great deal of money for research and development if it is only going to be for Vietnam.

Mr. STENNIS. Not a great deal. That will include some items. It is wide open. Suppose they decide to redo a plane we have now, to simplify it. That will be a little more expensive than just abstract research.

Mr. FULBRIGHT. I appreciate what the Senator has said, particularly the record he has made about his own attitude on this matter.

I understand how difficult these conferences are. I sometimes have similar difficulties.

I am bound to say that the letter from the Secretary of Defense, in view of his statement a short time ago, only fortifies the statement that Mr. RIVERS made with regard to his being Julius Caesar. If he could make the Secretary of Defense knuckle under, I certainly have sympathy with the Senate conferees. They were in a tight spot.

I am glad the Senator put this amendment in. I think it is all to the good, and I congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. President, there is no actual money in this bill. This is merely an authorization. Appropriation and approval by both bodies will be required before anything like that could proceed.

I ask unanimous consent that the letter from Secretary Laird dated October 21, 1969, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., Oct. 21, 1969.

HON. JOHN B. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be as inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.

Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.

In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.

I recognize the legislative interest of various committees in the matter of a new International Fighter Aircraft, especially since part of the market might be the Republic of Vietnam and part of the market might be other nations being served by our military assistance and military sales programs. I would hope the interested committees would evolve the preferred methods for considering our proposal.

In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.

Sincerely,

MEL LAIRD.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; and

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, I ask unanimous consent to yield to the Senator from South Carolina (Mr. THURMOND) such time as he may desire, without losing my right to the floor. The Senator is a valuable member of our conference and he worked hard on it.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

Mr. President, as a member of the Senate-House conference on the fiscal year 1970 military procurement bill, I am pleased to report that the conference

reached compromises which should serve well the Nation's defense structure.

The conference met in lengthy sessions for some 3 weeks as the differences in the House and Senate bills were considerable, and the unusual number of amendments required much discussion.

The conferees elected as chairman of the conference the distinguished Senator from Mississippi (Mr. STENNIS), and he, as usual, provided able leadership in the truly difficult job of bringing together the diverse bills of the Senate and the House. The House Members, led by their capable and distinguished chairman, Mr. RIVERS, of South Carolina, exhibited a spirit of cooperation and willingness to prevent a deadlock in dealing with a number of critical items. Mr. RIVERS is one of the best informed men on military matters who has ever served in Congress. He has the vision to see the importance of keeping this country prepared—all branches of the service—and it has been a pleasure for all of us in the Senate to work with the House under Mr. RIVERS' leadership.

The distinguished Senator from Mississippi has ably presented the bill to the Senate, but I would like to comment on several decisions reached in the conference which have caused me some concern.

The first involves \$100 million for long-lead components to assure uninterrupted progress on the modernization of our aircraft carrier force. These funds were provided for in the House bill but were dropped by the conference mainly on the grounds that the Senate had agreed to conduct a study of our carrier force structure prior to commitment on a new nuclear carrier.

While this study has my support, it was my view we could authorize the funds for CVAN-70 but restrict their expenditure pending completion of the study and dependent, of course, upon a favorable finding. This procedure would avoid a year's delay in modernization of our carrier force and also save us some \$50 million which will be caused by the delay. However, out of respect for the position of the distinguished Senator from Mississippi, the conference acceded to his leadership.

During the debate on the carrier, it was my impression the opponents supported modernization of the carrier fleet but were concerned about the actual number of carriers this country needed to assure an adequate defense.

Another compromise of the conference which concerned me was the sharp cut-back in procurement of the Army's tube-launched optically tracked wire-guided missile known as the Tow anti-tank missile.

The Army asked for \$156 million to continue procurement of this missile which is critical to our antitank defense in NATO where the Warsaw Pact forces have some 20,000 tanks facing only 7,000 tanks among the NATO countries.

The Senate approved \$142 million for Tow, and the conference further reduced this amount to \$100 million. Because of the importance of this missile, the chairman asked for a special hearing during the course of the conference, at which

time the Army Chief of Staff, Gen. William C. Westmoreland, appeared before a Member of the Senate and a Member of the House to discuss this matter.

General Westmoreland stated at this hearing "any delay in Tow is unacceptable" and in his other comments made an equally strong plea. It must be realized the Tow represents one of the Army's few major requests and a critical one when viewed in the context of our ground forces.

Mr. President, this reduced buy of Tow, taken despite a clear picture of substantial additional need for these weapons, will cost us about \$15 million because a weapon always costs more when fewer are bought. We are just beginning to buy the Tow missile and if we are to avoid dictating to the Army on such matters as strategy and tactics then we will have to purchase many more of these missiles, although hopefully not as many as originally planned.

Regarding the main battle tank, about which there was some discussion in the Senate during the debate of the procurement bill, the House and Senate compromised on a \$50 million authorization between the \$55.4 authorized by the Senate and the \$44.9 authorized by the House. Later this year the Department of Defense will complete its study of the MBT-70 and possibly give a new direction with a more austere approach to this vital program.

In this give-and-take session on many important items the Senate conferees acceded to the House on what is called the free world or international fighter. This move had my wholehearted support and amounts to authorizing the Air Force to expend up to \$28 million from aircraft procurement funds to initiate procurement of an improved fighter aircraft to fill the needs of free world forces in Southeast Asia. The bill requires that the aircraft be selected on a competitive basis.

Mr. President, the Senate debate on the fiscal year 1970 military procurement bill was the longest in this Nation's history. The Senate-House conference also set a record for length as it began October 6 and was not concluded until November 4. There were 59 major items of difference between the Senate and House versions so one can see the conferees had quite a task.

In my view, an outstanding job was done by all the conferees. The distinguished Senator from Maine (Mrs. SMITH), the ranking Republican on the Senate Armed Services Committee, faithfully worked with our chairman through this long process and made many significant contributions to the conference. I commend her as I have so often done in the past.

The conference has brought back to the Senate a bill which it can wholeheartedly support. In doing so, we will greatly strengthen this great Nation.

Mr. President, again I commend the distinguished Senator from Mississippi on his outstanding leadership as chairman of the conference.

Mr. STENNIS. Mr. President, I certainly do thank the Senator. I thank him on behalf of all the committee. We appreciate the fine services he renders and

the inexhaustible energy he shows in connection with the many activities of the committee.

Mr. President, it is my pleasure to ask unanimous consent that I may now yield to the Senator from Wisconsin (Mr. PROXMIRE) for such time as he may desire.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator. I shall be very brief.

As I understand, the Johnson administration had proposed a military procurement bill of \$23 billion; this administration reduced that amount by about \$1 billion, to a little less than \$22 billion; the House decided on \$21.3 billion, and the Senate on almost exactly \$20 billion. So the conference report now before the Senate reduces the recommendation of the Johnson administration by \$2.3 billion; it reduces the recommendation of the present administration by \$1.3 billion; it reduces the House figure by \$.6 billion; but it increases the Senate recommendation by about \$.7 billion.

Are those figures roughly correct?

Mr. STENNIS. The Senator is correct in his figures. If I may answer further, I point out the yielding of the Senate on \$400 million for the ships, which is really not going to have appropriations. As we know, the House yielded on Cobra which was \$86 million, and \$100 million for the A-7E, which were necessary. That really covers almost all the House yielded on. We had to yield on the Cobra because we had not been able to get to it. We advised the Senate on that in the debate. Then, the change in these planes cost \$100 million.

Mr. PROXMIRE. The reason I go through this arithmetic is that I think the committee has made a very substantial reduction below the Johnson administration recommendation and this administration's recommendation. However, as I am sure the Senator appreciates, many of us are disappointed that there were not further reductions made.

We, of course, favored sequestering funds for the ABM deployment, which would be a difference of \$400 million. We favored a cut in the main battle tank by \$50 million, and funds for new aircraft carrier by \$300 million. We favored the C-5A reduction, which would have been \$550 million, and a \$75 million cut in the advanced manned strategic aircraft.

Altogether, if we had had our way, the figure would be closer to \$18 billion instead of \$20.7 billion. However, we end up with a reduction, and this is the authorization bill, which means we are free to act on the appropriation bill.

The Senator has indicated there are some measures in this bill which will not be included in the appropriation. Of course, there are some areas untouched by this procurement bill. We have done nothing on reducing manpower costs or operation costs. All of those items will be up in the big appropriation bill so there will be occasion to make further substantial reductions in military spending or at least to make a fight for them on the floor of the Senate. Am I correct in that statement?

Mr. STENNIS. The Senator is correct.

We will also have the military construction appropriation bill and the major appropriation bill. All these matters will be in issue.

Mr. PROXMIRE. It is my understanding that a number of us are interested in further reductions and we expect to make a fight to cut substantial amounts from the overall military appropriation bill when it comes before the Senate.

I do wish to ask the Senator questions with respect to two amendments. My first question is with regard to my disclosure amendment. The substance of this disclosure amendment—that is, disclosing the identity and work that would be done by officials of the Department of Defense going to work for defense contractors, and vice versa—was retained virtually intact by the conference report. Is that correct?

Mr. STENNIS. The Senator is correct. It is clear and strong language as far as it goes, and it requires financial disclosure. That is all it requires. It does not disqualify anyone.

Mr. PROXMIRE. As a matter of fact, I think conference action will strengthen my amendment in some ways. It now applies to all former or retired officers of the rank of major and above, and to former civilian employees of a grade of GS-13 or above; and it also applies to consultants, on the same basis that the law would apply to former civilian employees or to retired military officers, and to existing Pentagon employees who worked for defense contractors and are at the minimum salary of grade GS-13 or above. Is that correct?

Mr. STENNIS. The Senator has stated it correctly.

Mr. PROXMIRE. Does it not also call for an annual filing by these existing or former employees that the data be available to the press and public and that the Secretary make an annual report to Congress on the substance of the disclosure?

Mr. STENNIS. The Senator is correct.

Mr. PROXMIRE. Does it not also define defense contractors as those with prime negotiated contracts of \$10 million a year or above?

Mr. STENNIS. Yes, that figure is correct. And the answer is "Yes."

Mr. PROXMIRE. I would welcome confirmation by the chairman of the committee that the amendment was retained virtually intact, that in fact some minor problems in the original drafting were improved by the conference changes.

Mr. STENNIS. Yes. That is correct. I am glad that the Senator thinks it is cleared up and stronger than it was.

Mr. PROXMIRE. The other amendment which I think is a significant amendment and can have a real impact on cases referred to by the Comptroller General on defense spending, relates first to what I would call the first comprehensive, objective, and adequate study of defense contracts and profitability of defense contracts.

Does the revised amendment for a profitability study, in the view of the chairman of the committee, make it possible for the Comptroller General to carry out a selective, representative study of the profits on negotiated defense contracts in a meaningful and valid way? In his judgment, does the amendment as

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revised, make it possible for the intent of the Senate to be carried out and for the Senate, the Congress, and the country, for the first time, to get a really meaningful study of profits under negotiated defense contracts?

Mr. STENNIS. Yes, I think the answer is undoubtedly yes. I should like to explain the answer, though, further. The amendment gives the GAO this authority to make checks upon the possible profits of defense contractors. I think it is a very good point the Senator raises. I am glad we were able to keep a part of his amendment. I have an idea, frankly, that in a great many of these contracts there is virtually no profit or only a small amount of profit. I should like to know about that.

My general idea is that some of them are medium and moderate in profit. There may be some where the profit is too much. But in any event, we need to know.

The thing that hung up the conference on the amendment was the same matter we debated in this Chamber, as to the power of subpoena to be granted to the GAO, on two points—one, changing the nature of the GAO; and, two, on all circumstances it should be carefully granted by the legislative branch.

I think the Senator's amendment, in its final form, did have those safeguards, which he helped to write in. Those safeguards of subpoena powers I should like to have seen adopted with them in it, but there was no chance to get it approved.

It is true that both the House and Senate Armed Services Committees, as do other committees in Congress, have this power of subpoena. It was discussed and understood that with this authority being granted to the GAO, in a property case, the committee, at its discretion, could withhold or grant the use of committee subpoena power to the GAO.

From my point of view, I would not want the safeguards to be used indiscriminately, or given to the GAO to do with as it pleased. There must be some responsibility about that subpoena power. I am certainly prepared, however, in proper cases, to recommend that the committee give the GAO that authority.

Mr. PROXMIRE. That is exactly what I wanted to get at. This is the significance of the change in the amendment. As I understand it, the change provides that the subpoena power will be granted to either, and I stress either, the Committee on Armed Services of the Senate or the Committee on Armed Services of the House upon request of the Comptroller General.

Mr. STENNIS. Yes.

Mr. PROXMIRE. That means that if the Comptroller General—he would not have to use it in many cases, he would not have to subpoena all the records, and so forth, in many cases—he would be able to make a study and contractors would in most cases cooperate voluntarily; but if he ran into a recalcitrant contractor, he could request either one of the two Armed Services Committees to grant subpoena power to him so that he could look at the books, as this amendment provides. Is that correct?

Mr. STENNIS. That is correct. That is the purpose of the amendment in its

present form. Each committee can act independently of the other.

Mr. PROXMIRE. Some people have criticized this change and have said it will weaken the amendment. I hesitate to accept that view. I want to get reassurances from the chairman about that. I want to know if he agrees that the mere fact the subpoena power is available to the Comptroller General, through either of the two committees, will in almost every case be an inducement for a contractor to comply with any reasonable request by the Comptroller General under the amendment.

Mr. STENNIS. I would think so, yes. Records are something that many people are jealous about, from individuals to corporations. It would have a persuasive power with the average company, corporation, or individual. If needed, and at the discretion of the committee, if it was granted, then certainly it would be an effective power that the GAO could use.

Mr. PROXMIRE. It seems to me that a very great burden on the effectiveness of the amendment now lies with either the Senate or House Committee. Does the chairman believe that if the Comptroller General, whom we all know to be an extremely reasonable man, were to request the exercise of the subpoena power by his committee, that it would be exercised?

Mr. STENNIS. Senator, I could not answer that question.

Mr. PROXMIRE. Then let me put it this way: Would the chairman contemplate that this is a weakening provision, or that it will still make it possible for the Comptroller General to carry out the clear intent of the amendment? The chairman's reassurances on this point, I believe, are important in terms of the legislative history about this matter, the clear intent of the amendment being to have a representative study of defense profits. Obviously, if some of the big defense contractors say, "No, you cannot look at my books. You cannot see them," they will not cooperate, then obviously the amendment would have no effect. We cannot have a study unless we get cooperation, or failing that a willingness to act and to enforce cooperation. Where we would not get cooperation voluntarily, we would have to get it by subpoena in order to make a representative study.

Mr. STENNIS. For my own part, there will be no indiscriminate granting of the power of subpoena.

Mr. PROXMIRE. Of course not, there should not be.

Mr. STENNIS. I want to see the GAO exercise some of this authority. I want to see it make some of these test runs, so to speak. In that respect, I am inclined to recommend to the committee the granting of this authority—the use of the subpoena—in what we might, at our discretion, deem to be a proper case. That is about as far as I think I should go now. Each case must stand on its own bottom. We must determine those things when we get to it.

I have not had a chance to talk to the Comptroller General since this amendment was altered and agreed upon. I do not know what his approach will be. But

that describes my attitude, and I think it is that of the other conferees. They will not hold back but they will not rush in. They will exercise sound discretion.

Mr. PROXMIRE. I have great confidence in the Senator from Mississippi. I know that he, as I do, and other Senators, would like to see a comprehensive, useful study made here to do all we can to see that this matter is consistent with appropriate protections.

Mr. STENNIS. I appreciate the Senator's remarks. This is a very vital point. The Senator will remember that the final form of the amendment as adopted by the Senate gave this a 1-year operation and then went to the committee for the power of subpoena.

Mr. PROXMIRE. Yes.

Mr. STENNIS. This modification first struck out the 1 year and made it apply that way all the time. It is largely in keeping with the tone of the Senate when they adopted that—the mood of the Senate, at least.

Mr. PROXMIRE. Mr. President, if I could go now to the C-5A funds. I want to ask the chairman of the committee some questions about the funds for the C-5A in this report. He will recall that shortly before we voted on the C-5A amendment that I proposed in the Senate, some of us discovered that the bill included \$52 million for the long-lead time items for the fifth squadron of the C-5A, or planes 82 to 101.

Many Senators, both on the Armed Services Committee and not on it, said they were very concerned with whether we should go ahead with the additional planes, and were in many cases opposed to a fifth or sixth squadron.

I informally proposed that my amendment be changed to delete those funds, and the Senator from Mississippi, and a number of members of his committee, were favorably disposed to accept it. However, the Defense Department was opposed to that action. In those circumstances, the amendment was not pressed, on the ground that, with Pentagon opposition, a number of Members would be reluctant to accept it.

Shortly after that—in fact, 2 weeks later—the Pentagon informed the House committee that it did not want the \$52 million. My memory of press reports is that Deputy Secretary Packard informed the House committee to that effect. As a result, the \$52 million was deleted from the House funds.

Because of all this, I am confused as to why the conference report includes the funds.

Mr. STENNIS. The Senator is correct about the situation in the Senate. He is correct in the statement that Mr. Packard made later. The House Members were a little stubborn about yielding to put that money back into the bill. But the Secretary of Defense did not have the attitude that the money would not be used. That was not his approach to it.

Mr. PROXMIRE. Were the press reports inaccurate that Deputy Secretary Packard indicated he did not want it?

Mr. STENNIS. No; the press reports about Mr. Packard were correct, but in that case he did not represent the sentiments of the Secretary of Defense about just abandoning it altogether. He wanted

some further consideration of the matter. The official from Mr. Laird on the reclama to the House version recommends the retention of the 52 million. I do not think he has made up his mind. I did not insist on its being kept just because he wanted it, but I thought he was entitled to further consider it. It went back to a conversation I had had with him last summer. I do not know what his plans are, but I do not think he has in mind anything like a splurging of funds for additional planes. However, I want him to have some discretion, if he should need some more, and have this groundwork laid. That is exactly why we put the money back in the bill. The House Members agreed to accept that, under the circumstances.

Mr. PROXMIRE. One of the things that the lengthy debate on the C-5A did was to reinforce a great deal of skepticism on the part of some Senators as to whether we should go ahead with additional planes after we finished the 81st plane. That was highly debatable.

Mr. STENNIS. I would only say that we would go ahead with the squadrons. I reserve judgment on it, myself, but this contract has to be terminated in an orderly way at some point. I think the Secretary of Defense is entitled to what we can give him in the way of an option. Otherwise, he is out of business with respect to any maneuvering ground with Lockheed or in any other way.

Mr. PROXMIRE. I think I can develop why I am concerned about it by a few more questions.

Is it not true that by the end of this calendar year, all the funds for the first 58 planes which can legally be advanced to the company will have been advanced?

Mr. STENNIS. I think that is correct.

Mr. PROXMIRE. I understand, and a debate I developed with the Senator from Virginia (Mr. Byrd), established that the progress payments made up 100 percent of the company's expenditures, but that it was going to have to stop pretty soon.

Is it not true that progress payments are limited to the funds authorized under the contracts for the "target costs," and that these will have been advanced by the end of this year?

Mr. STENNIS. I do not know whether they will have been advanced by the end of this year or not. It is not in my memory now. That may be correct.

Mr. PROXMIRE. In any event, the Lockheed Co. is getting into serious trouble. It has been paid huge sums, many hundreds of millions of dollars. But there were only six produced when we debated it before. There may be eight or 10 by now. But only a limited number of experimental planes will have to be produced, and no production planes.

Is it not a fact that while much of the funds for the first 58 planes will have been expended, only eight or nine planes, at the most, will have been delivered?

Mr. STENNIS. If that is correct, that is normal for a huge contract like this. But they are on the way. They are not just in thin air.

Mr. PROXMIRE. Is it not further true that, under the rules and regulations of the Department and the laws of Con-

gress, funds we authorize or appropriate for the fourth squadron cannot be spent on the first three squadrons? Is that not correct?

Mr. STENNIS. Well, generally, there may be a rule of thumb like that, but I do not know of any limitation of law, because these contracts involve so much and over such a long period of time that one blends into another. One year blends into another. There is a slippage of time. I do not think there is any law that says that.

Mr. PROXMIRE. What I am searching and reaching for is if there is some way the Armed Services Committee can serve notice on the Pentagon that the funds authorized and that might be appropriated for the fourth squadron should not be used to bail out Lockheed for its enormous overruns on the first squadrons.

Mr. STENNIS. The \$52 million, which is a relatively small amount, must be used, if at all, for long leadtime items, for the possibly additional planes, which could be a lesser number than a squadron.

Mr. PROXMIRE. What I am talking about is the amount authorized in this bill for the 59th plane to the 83d plane. Some \$500 million. I am concerned that that money might be used to bail Lockheed out on the first 58 planes.

Mr. STENNIS. The Department is supposed to get additional planes for the money that is in the bill. It is all covered by contract. The Department of Defense cannot go beyond the contract and the appropriated funds. The \$52 million we are talking about is a separate item, for long leadtime items.

Mr. PROXMIRE. Just one or two more questions.

I should like to have it made clear that the \$52 million is for the fifth and sixth squadrons, planes 81 through 120. I am now talking about the \$500 million which provides not for leadtime items but for planes 59 to 81. On the basis of present policy, it appears that the Defense Department is providing progress payments for these planes. So far they have been producing very few planes and using Government money to the point where we are likely to be left with a choice of providing additional enormous sums or providing no additional planes, from the way the contract appears to be working.

Mr. STENNIS. All that has been an issue here. The funds that are authorized in the bill—I am not talking about the \$52 million, but the funds authorized in this bill—can be paid out only under terms of the contract. I think, in the final analysis, that is about as good an answer as I can give.

Mr. PROXMIRE. That satisfies me. If the contract—and I think the contract will; I will have to examine it more carefully than I have—restricts them from permitting progress payments on the earlier planes from the money we are authorizing here, that will satisfy me. I will check into it further.

Mr. STENNIS. I thank the Senator very much for his good questions and for his other remarks.

Mr. President, I ask unanimous con-

sent that I may yield such time as he may wish to the Senator from Pennsylvania, an able member of our committee.

Mr. SCHWEIKER. Mr. President, I thank the distinguished chairman of the committee for yielding. First, I should like to commend the distinguished chairman of my committee for his handling of this legislation. In his eminently fair way, he has gone to great lengths to insure that all sides had the opportunity to present their views on the many controversial aspects of this procurement bill.

Mr. President, I have reluctantly decided to vote in favor of this conference report. I believe it would be irresponsible of me to do otherwise. As a member of both the Senate and House Armed Services Committees during the past 6 years, I am well aware of the current demands on our national security budget, and of the necessity of protecting our basic military strength.

But, as one of those who has been most aware of the many shortcomings of our military procurement system and most aware of our failure to exercise congressional oversight over Defense Department spending, I had hoped that this Congress would have seized the opportunity to assert its intent to protect the taxpayers' interests in a more positive way.

I believe our primary responsibility is to the taxpayer. I proposed an auditing amendment to this bill which I deeply and sincerely believed when I presented it, and believe now, would have been a significant and meaningful step toward realism and honesty in defense procurement. It would have given us the basic fiscal tools we need to do the job. It would have provided for truth in military procurement—for honest price tags for our weapons systems.

It seems to me—and I am very grateful that so many of my colleagues agreed when I offered my amendment on August 7—that this body could do no less than express its conviction that the Congress must invoke its determination to question the Pentagon when desirable, to audit its spending when that seems wise, and to say "no" to them when it becomes necessary.

I am convinced that, by not doing so, we have shortchanged the taxpayer and done a disservice to ourselves. My conviction is strengthened by testimony we have heard regarding the high cost of the C-5, the Minuteman, the deep submergence rescue vehicle, the main battle tank, and other DOD programs. It is made even more strong by the almost blind opposition to my proposal in some quarters.

I regret that the language of title V of the Senate-passed version of the bill is not contained in the conference bill. And based on the mail I have received from the country of my State and across the country, I believe that the taxpayers share my feelings. Nevertheless, I shall vote for the conference report, but I shall redouble my efforts to see that this Congress will soon take steps to fulfill its commitment to the people who pay the bills.

Mr. STENNIS. Mr. President, I thank the Senator for his kind remarks. I am sincerely glad that he can support the conference report. I regret that we could not get his amendment adopted.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the report of the conferees of the Committee on Armed Services of the House and the Senate has resulted in the deletion of many of the amendments approved by the Senate. Given the great difference between the House and Senate bills, it was expected that some deletions would be made in the normal negotiating processes with which we are all familiar.

I regret that many of the amendments developed in the Senate were not retained. Nevertheless, the results of over 8 weeks of debate on the floor of the Senate should be of value in the future. While this year's Senate consideration of our defense requirements has not substantially altered past policies, a new pattern of examination and debate on the defense budget was established.

Mr. President, I am confident this new attitude will result in a more rational strategic posture and more moderate defense expenditures in the future.

I call attention to the long debate in the Senate on the bill. The debate lasted for 8 weeks in the Senate, but it had lasted for over a year on the basic strategic issue of the deployment of the antiballistic missile system.

I am certain that further efforts will be made with regard to military spending on the appropriation bills, and many of the amendments which were approved by the Senate will be brought forth for vote again on the appropriation bill. I am confident that some of the original Senate positions will be supported by the Senate.

I regret that the amendment I offered to prohibit combat support by U.S. forces of local forces in Laos and Thailand, which was agreed to by a unanimous vote of 86 in favor and none against in the Senate, and which was supported in principle by the manager of the bill (Senator STENNIS), was deleted by the conference committee. I regret that the amendment was deleted in conference as the extent of our involvement in Laos has become clear in recent weeks as the result of a series of newspaper articles which were published in the New York Times.

The nature and event of U.S. activities in Laos is also being considered in great detail by the commitments Subcommittee of the Committee on Foreign Relations, under the chairmanship of the able Senator from Missouri (Mr. SYMINGTON).

The substantial American involvement in Laos which has been reported by the New York Times and which has been affirmed in public statements by the Secretary of State has never been approved by Congress nor has the executive branch ever declared the U.S. combat involvement.

From published accounts it is apparent U.S. activities in Laos are in part concerned with the local war in Laos itself. The United States should not be in-

involved in the support of local forces in a Laotian war without the approval of Congress.

I know that it is, in large measure, concerned with the war in Vietnam. I believe a great majority of the people of the United States are united in their belief that the war in Vietnam must be brought to an end. An end to our involvement in Laos would provide an opportunity to begin to wind down the war in Vietnam. The issue in Laos is a clear challenge to Senate responsibility.

Congress has the responsibility, through its power over appropriations, to bring this combat involvement in Laos to a close and by ceasing our involvement in Laos, Congress can exercise its influence bringing the war in Vietnam to a close.

This responsibility is clear and the course of action that needs to be taken is for the Senate and Congress to recognize its constitutional powers and to exercise them. We have an opportunity to begin to bring the war in Vietnam and Southeast Asia to an end by prohibiting our combat activities in Laos.

I shall vote for the conference report because I do not intend to deprive our forces who are fighting in Vietnam of necessary support. But I must say I may be compelled to vote against the appropriation bill if it retains funds to support a war in Laos.

Mr. President, when the President spoke last Monday evening I thought that two affirmative positions were stated. First, he stated clearly that he had broken with the policies of the past administration to maintain the level of fighting and possible escalation of the war in Vietnam. Second, he said clearly he intended to end the combat participation of U.S. forces in Vietnam. As combat participation is reduced and ended, the U.S. involvement will draw to a close.

The President's intention is to bring the war in Vietnam to a close.

What I state today is that if Congress will exercise its responsibility and use its constitutional powers to deny funds for the support of a Laotian war in Laos—we can end that war as far as the United States is concerned, and by so doing we can also help bring the war in Vietnam and Southeast Asia to a close.

Mr. STENNIS. Mr. President, this matter has been before the Senate for a long time, since July 5, I believe.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, as far as I know there are no other Senators who wish to address themselves to the matter of the pending conference report. I have just a few remarks to make and I wish to say something about the Selective Service Act amendment that has just come over from the House of Representatives.

I especially wish to commend the chief of our staff, Mr. Edward Braswell, who sits to my left, for the fine job he has done since January of this year on the bill. Other members of the staff worked on it, too, but he has carried the chief

responsibility day and night, including weekends. He has a fine knowledge of the subject matter and he is a man whose willingness to work cheers one's heart. I especially thank him and commend him.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am glad to join in the remarks of the able Senator from Mississippi with respect to the superb work done by the head of our staff, Mr. Braswell. It is difficult to realize how the committee could function as it does without his fine assistance and hard and dedicated work. He represents all that is best in a Senate staff member.

I would also congratulate the able chairman on the fine results he obtained in the conference, where there were many differences, but which differences were reduced to a minimum. At all times the distinguished Chairman did his best to represent the position taken by the Senate prior to the conference.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Missouri very much and I thank him also for his fine help and services all the way through in connection with the bill.

Mr. President, I especially wish to thank every member of the Committee on Armed Services. They have been patient and understanding. Many of them have put in a great number of hours. There is one thing I especially appreciate. When we finally got down to the end of the row everyone had their say and made their fight. Agreements had to be had to work out a bill while they were willing to close ranks. We got a mighty good bill without yielding anything of vital importance to the Senate. It is very much the bill that passed the Senate, but the House conferees added strength to it. They are a highly competent group of gentlemen. I thank them and commend them very highly.

Something has been said about the work here of the chairman of the House committee on this international fighter—this extra plane. It is one of the instances of his unusual activity. He is a knowledgeable man. He works all the time. The more I work with him the more I realize his fine knowledge and the valuable contribution he makes.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRIFFIN. I want to say, as one Senator, that I have been tremendously impressed by the leadership and the great work of the distinguished chairman of the Armed Services Committee, the ranking minority members of that committee, and all the other members of that distinguished committee, in connection with this particular piece of legislation.

As we know, this is one of the most difficult and one of the most controversial matters which has come to the floor of the Senate in this session.

Now, at this final step, on what has been a rather difficult and bumpy road for the chairman, I think he deserves

commendation and appreciation by all the Members of this body.

Although in his work, at least, I am sure, he has been tested many times, I suspect that he has never been tested in a more difficult and challenging way, perhaps, than in connection with this particular piece of legislation.

Throughout debate and consideration of this issue, he has continued to set an example for the institution that is the Senate of the United States.

He has been patient with those who have disagreed. He has carried a heavy burden of responsibility, and he has carried it at all times without any regard whatsoever for party or partisan considerations.

He was, during this debate, as he always is, primarily concerned with the national interest.

I want him to know that those on this side of the aisle, as well as the administration, are particularly mindful of his great contribution.

I want to take this opportunity not only to acknowledge it, but also to thank him very much for his exemplary service to the Senate.

Mr. STENNIS. I am certainly most grateful to the Senator from Michigan for his fine and generous remarks. I value his services here on this floor very highly. I now of no man more effective than he is. While I do not deserve his words of commendation, being human, I certainly appreciate them. I feel that what little I have done has been nothing more than my duty. I have fine colleagues to work with to that same end. We have had a wonderful debate here. I am especially grateful, as I said this morning, to the distinguished Senator from Maine (Mrs. SMITH).

DRAFT REFORM LEGISLATION

Mr. STENNIS. Mr. President, just a word here about another bill that is before the committee which has just come over from the House. It concerns an amendment in which there is a great deal of interest.

Let me be brief. The Selective Service Act amendment that came over from the House a few days ago is a one-line amendment to the present Selective Service Act which would merely strike out a provision to prohibit random selection.

Therefore, with that stricken out, it would be permissible to have random selection.

Now, Mr. President, I said months ago that I favored such an amendment to the Selective Service Act.

I also said months ago that the committee considers taking up a Selective Service bill which might be passed by the House.

I further said months ago that in 1970, in the early part of that year, the committee would hold comprehensive hearings upon the Selective Service Act as a whole.

Mr. President, even though the present law does not expire until June 30, 1971, I thought we should start the hearings and consideration early, rather than wait until January 1971, and be under the pressure of time.

That was not a promise made, just an announcement. That is the way I felt about it.

I said, at the same time, that this calendar year it would be impossible to hold comprehensive hearings, and that I would never recommend taking up any bill the House passed amending the present act if there were going to be a lot of major amendments offered to it on the floor of the Senate. I think it would be the height of absurdity and the height of irresponsibility to try to pass on the great ramifications of the questions involved in the Selective Service Act without extensive hearings, without careful consideration by the committee, and positive recommendations from that committee, with a report thereon, so that we would have guidance before us before debate.

Let me illustrate: One of the bills on this subject introduced this year has 86 pages, with a great many changes.

Broad changes are proposed in the field of classification.

Broad changes are proposed in the field of appeals of various kinds.

Broad changes are proposed, or will be proposed, in the field of conscientious objectors.

There will be broad debate no doubt, on the idea of having a volunteer army.

These are all legitimate subjects for discussion but, as I say, hearings must be held on them first, and some guidance given for debate and for other Senators not on the committee.

Therefore, we are down to the proposition as to what the Senate committee will do on this amendment from the House during this calendar year.

I have called a meeting already of the committee, for discussion of that very subject, for next Monday, and I hope that all members can be there. It will be an executive session with full consideration of what we shall do.

Mr. President, I have already stated that I personally favor the amendment, but I am certainly not going to be arbitrary in saying that I will recommend to the committee that it not bring anything up here if we are going to have just a harum-scarum debate without hearings, or records, or testimony taken, and recommendations made on all of the voluminous, broad, and far-reaching proposed changes in the Selective Service Act generally which I have just enumerated. Also as the Senate knows, Senator KENNEDY is holding hearings on the administration of the Selective Service System. I am not sure that he has conducted serious hearings of his subcommittee on this phase of activity.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Missouri. I have not had an opportunity to talk to him, or any other Senator, about this, except in a general way.

Mr. SYMINGTON. I am much interested in what the able chairman just said.

It will not be possible for me to be with him next Monday because we begin hearings with regard to commitments in Thailand in a subcommittee of the Committee on Foreign Relations. However, I

will be glad to give the able Senator my proxy.

As I understand it, if we could get the House bill passed now, that would meet the satisfaction of the Senator from Mississippi, without amendments; is that correct?

Mr. STENNIS. Yes, without amendment. I think that is the only way we can get it enacted into law.

Mr. SYMINGTON. This year?

Mr. STENNIS. This year, yes; but I favor the substance. I hope the Senator from Missouri favors it.

Mr. SYMINGTON. I do favor it.

Mr. STENNIS. I have not gotten too far ahead of the committee. I do not believe that. I have not promised anything, and I have not made any commitments, and I am not going to until I discuss this matter with the committee and the committee members. But it is my personal view that we ought to favor that provision, but, for this calendar year, none other. We will discuss that in the committee.

If the committee decides to take it up on that point, we may have to have very brief hearings on that one point, so we will know exactly the ramifications of it. But there are other hearings going on already on the Selective Service Act, not by the committee that has jurisdiction, but some committees are holding hearings. I really do not believe our hearings should be held until the others have concluded, so we will not get into a cross-fire on witnesses.

It is a good idea that, if we are going to have hearings, we should let the committee that has jurisdiction of the subject matter have those hearings. But we will decide on Monday. I make that announcement now for the information of the Senate.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. As I understand, this amendment has to do with the lottery system?

Mr. STENNIS. That is right. That is the only thing involved.

Mr. SYMINGTON. There has been considerable criticism in my State on the subject of the current draft law. The Secretary of Defense has said he would do the best he could in changing, if there was no new law. I thought it was a fine statement he made and put it in the Record some weeks ago. Inasmuch as this deals with what is probably the most important aspect, I fully support the position of the chairman.

Mr. STENNIS. I thank the Senator very much.

I have great respect for these very major amendments. It is all right. There is a time for everything, but the time for consideration of them would be next year, when we can have hearings.

MILITARY PROCUREMENT AUTHORIZATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appro-

priations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, on the conference report, I yield to the Senator from Rhode Island (Mr. PELL). I ask unanimous consent that I may yield to him to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CBW AMENDMENT AND INTERNATIONAL LAW

Mr. PELL. Mr. President, I desire to comment on my amendment to the military procurement authorization bill regarding international law and chemical and biological warfare agents.

I am delighted that the conference committee has accepted the amendments I proposed without major revisions. My amendment requires that the transportation, disposal, testing, and development of any chemical or biological weapon outside of the United States not be undertaken unless the Secretary of State determines that such activities are not in violation of international law.

I believe that this amendment will restore the proper balance between the Department of Defense and the Department of State in this area of international affairs. I expect that, as the result of my amendment becoming law, the instances of possible violations of international law which I cited in my earlier speeches will be examined by the Department of State and that steps will be taken to prevent the Department of Defense from precipitating such incidents in the future. I refer specifically to the shipment of nerve gas to West Germany in violation of the Final Act of the Nine Power Conference held in London, September 28 through October 3, 1954, and to the disposal of obsolete chemical weapons in the oceans in violation of the Geneva Convention on the High Seas.

The addition of the words "lethal" and "future" by the conference committee I construe as extraneous for the purposes of the amendment. Since the authorizing legislation refers only to fiscal year 1970, the addition of the word "future" naturally can only effect the functions I described in this fiscal year. Second, the addition of the word "lethal" I do not construe as meaning that chemical and biological weapons defused or disassembled or detoxified for purposes of the functions I described would not be considered as "lethal" weapons for the purposes of the amendment. I also understand that the word "lethal" refers not only to the immediate, but to the long-term effects of chemical and biological weapons. I believe that these constructions are necessary in order that the intent of my amendment which Secretary Laird originally supported is not negated. I further understand that the adoption of the conference report without my objection to the language used is made on my part on the basis of my interpretation of the meaning of the amendment.

Mr. PERCY. Mr. President, the conference report on the fiscal 1970 military procurement authorization bill is a profound disappointment to me. It insults those of us who this year strove to bring some measure of rationality to the

military procurement decisionmaking process.

The report waters down much-needed controls on chemical and biological warfare programs—controls that passed the Senate by a vote of 91 to 0.

It eliminates the ban on deployment of combat forces in Laos and Thailand—a ban that passed the Senate by a vote of 86 to 0. It removes from the Comptroller General the subpoena power to examine defense-contract profits—a reform that passed the Senate by a vote 85 to 0.

It authorizes a new shipbuilding program that was not even considered by the Senate.

It increases the procurement authorization by \$700 million more than was ever considered by the Senate.

The conference report before us wantonly casts aside the judgment of the Senate which debated this bill for 8 weeks. Down the line, it seems to represent the judgment of the other body which deliberated this bill for 1 day. The conference report, in the overall, represents the judgment of a body that permitted its members 45 seconds each to speak on a bill authorizing in excess of \$20 billion.

I shall vote for this report with the greatest reluctance and only because it authorizes certain programs essential to our national security and is now the only procedural means available to approve these necessary programs. But I am determined to make another effort for a reasoned appraisal of priorities when the military appropriations bill reaches the Senate floor.

Mr. HARTKE. Mr. President, after months of consideration and debate, the U.S. Senate is about to pass and send to the President, the military authorization bill. This bill as enacted will be a sorry disappointment to those Americans concerned about the mushrooming cost of the military establishment and the clear need to reorient our national priorities. The present conference committee report represents for the most part extravagant funding of weapon systems with little note of expense or efficiency.

With depressing frequency, the Senate conferences acceded to the views of the House conferees. Considering the fact that the Senate spent more than 8 weeks in floor debate on this bill and that the House allowed only 1 day debate, with most members having 45 seconds or less to develop their views, I would have thought that the Senate conferees could have successfully maintained the more developed and reflective Senate position.

The Senate floor amendments on chemical and biological activity fared better, however, than most other Senate amendments. I note that my amendment for a semiannual report to Congress detailing the amounts spent for chemical and biological activities was preserved. Also my amendment providing for increased safeguards for the transportation of lethal and nonlethal chemicals and biological agents was maintained. These increased safeguards will be a comfort to the many Americans living near a major highway or railroad. I am disappointed that, to date, it has proven impossible to determine exactly what

funds and how much is being spent on chemical and biological activities.

The Senate was able to prevail in most of the chemical and biological activity amendments, I am sure, because of the effective leadership and passionate concern of the distinguished junior Senator from New Hampshire (Mr. McINTYRE).

The conference report dropped one Senate floor amendment that was particularly desirable. The distinguished senior Senator from Kentucky, JOHN SHERMAN COOPER, offered on the Senate floor an amendment prohibiting the use of American forces in support of local forces in either Laos or Thailand. This amendment was unanimously adopted by the Senate, 86 to 0. Now this amendment, the unanimous will of the Senate, has been entirely eliminated. This amendment was an attempt by the elected representatives of the American people, and thereby the people themselves, to have some voice in what is done abroad. We did not need the horrors of Vietnam to teach us the dangers of unacknowledged and unauthorized acts by American personnel abroad. Congress neither approved nor, until recently, was fully informed of the extent and character of U.S. forces in Laos and Thailand. The Tonkin resolution cannot be used to justify the presence of American troops supporting local troops in Thailand and Laos.

Once again we are becoming entangled in foreign and local events before our national interest is fully determined and policy is set. We must stop this practice of letting the activity of minor Government officials determine the character of our foreign policy. I am sure that Senator COOPER will continue his fight for Congress and the American people to obtain some influence of our Government activities abroad. I support him in his effort and will help him attach this amendment to any suitable piece of legislation.

Mr. STENNIS. Mr. President, I do not know of any other speaker on the conference report. The yeas and nays have been ordered on adoption of the report. I yield the floor.

The PRESIDING OFFICER. The question is on adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr.

SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

On this vote, the Senator from Iowa (Mr. HUGHES) is paired with the Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Iowa would vote "nay," and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOOD-ELL), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Vermont (Mr. PROUTY) is absent in order to attend the funeral of a friend.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Colorado (Mr. DOMINICK), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from New York (Mr. GOOD-ELL). If present and voting, the Senator from Illinois would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Vermont (Mr. PROUTY) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Vermont would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 58, nays 9, as follows:

[No. 141 Leg.]

YEAS—58

| | | |
|--------------|---------------|----------------|
| Allen | Ellender | Pearson |
| Allott | Gravel | Pell |
| Anderson | Griffin | Percy |
| Bellmon | Gurney | Proxmire |
| Bennett | Hansen | Randolph |
| Bible | Harris | Russell |
| Boggs | Holland | Schwelker |
| Brooke | Hruska | Scott |
| Burdick | Inouye | Smith, Maine |
| Byrd, Va. | Jordan, Idaho | Spong |
| Byrd, W. Va. | Mansfield | Stennis |
| Cannon | McClellan | Symington |
| Church | McGee | Talmadge |
| Cook | McIntyre | Thurmond |
| Cooper | Miller | Tydings |
| Cotton | Mondale | Williams, N.J. |
| Curtis | Moss | Williams, Del. |
| Dodd | Mundt | Young, N. Dak. |
| Dole | Muskie | |
| Eagleton | Pastore | |

NAYS—9

| | | |
|-----------|----------|-------------|
| Fulbright | Javits | Nelson |
| Hart | McCarthy | Packwood |
| Hatfield | McGovern | Young, Ohio |

NOT VOTING—33

| | | |
|-----------|--------------|-------------|
| Alken | Goodell | Metcalfe |
| Baker | Gore | Montoya |
| Bayh | Hartke | Murphy |
| Case | Hollings | Prouty |
| Cranston | Hughes | Ribicoff |
| Dominick | Jackson | Saxbe |
| Eastland | Jordan, N.C. | Smith, Ill. |
| Ervin | Kennedy | Sparkman |
| Fannin | Long | Stevens |
| Fong | Magnuson | Tower |
| Goldwater | Mathias | Yarborough |

So the conference report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 441) providing for adjournment of the House from Thursday, November 6, 1969 to Wednesday, November 12, 1969, in which it requested the concurrence of the Senate.

(The following proceedings on the food stamp bill, which occurred during the consideration of the conference report on the military procurement bill, are printed at this point in the RECORD by unanimous consent.)

AMENDMENT OF THE FOOD STAMP ACT OF 1964

Mr. STENNIS. Mr. President, I yield to the Senator from Louisiana, and must say I regret exceedingly my failure to yield to him sooner. He spoke to me about his matter some time ago.

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives pertaining to House Joint Resolution 934.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 934, to increase the appropriation authorization for the food stamp program for fiscal year 1970 to \$610 million, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, on June 24, the Senate passed Senate Joint Resolution 126, which increased the authorization for the food stamp program from \$340 million to \$750 million.

I have done everything I could to induce the House of Representatives to pass on that resolution during the past 4 months, but to no avail, until yesterday, when the House passed its own joint resolution, House Joint Resolution 934.

The only difference between the Senate resolution passed in June and the one passed by the House of Representatives yesterday is in the amount of the authorization. The present law provides for an authorization of \$340 million per year. The House joint resolution is identical with that of the Senate, except that, in lieu of \$750 million, the sum of \$610 million is authorized.

The House of Representatives had good reason to make this amount \$610 million, because the evidence produced showed that the maximum amount that

could be utilized for food stamps by the administration for fiscal year 1970 is \$610 million.

Mr. President, I have discussed this matter with both the minority and majority leaders, and they expressed no objection to this matter being considered today.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, before the joint resolution is agreed to, I wish to thank my distinguished chairman, and congratulate him for the fact that his effort, begun last June, has finally come to fruition.

The adoption of this joint resolution will not simply mean that we will have concluded this particular legislation, but it will also mean that the conference on the Agriculture appropriation bill, which has been held up for so long, may now be speedily concluded.

I call attention to the fact that the Senate bill was passed on July 7, and we appointed our conferees a that time. The other body appointed their conferees more than 3 months later, on October 9. We have had four meetings of the conferees since that time, and I think the Senator from Louisiana knows that we have disposed of all matters embraced within the bills of the two Houses except the food stamp amendment and three other amendments which the House conferees felt should be considered in connection with this particular item.

So, in congratulating the Senator from Louisiana, I wish to say that he is conferring a real service upon the Senate and upon agriculture generally, because many important items in that bill, and not in disagreement between the two Houses at all, have been tied up all this time because of the pendency of this measure. I think it might be well to state at this time that not only, as the Senator from Louisiana said, have the leaders on both sides agreed to this compromise, but our distinguished friend, the junior Senator from South Dakota (Mr. McGovern), who had been quite insistent upon a somewhat larger amount, not only for fiscal 1970 but thereafter, has advised both the Senator from Louisiana and me, as well as others, that at this stage he is quite content to accept the \$610 million for 1970 embraced in this joint resolution from the House of Representatives.

I think that this marks, at long last, a successful conclusion of a longtime effort; and I hope it means that we may get home in time for Christmas eve. I am sure that the Senator from Louisiana will join me in that fervent hope. This is the most hopeful break that has occurred, affecting not only welfare, poverty, and the hunger and malnutrition questions, but also the general question of agricultural appropriations, which, as the Senator knows, reaches into our foreign relations, our consumer programs, our school lunch program, and many others. This is the first hopeful break that has occurred in a long time, and I pay tribute to the Senator from

Louisiana, who has tirelessly pursued this matter. I am also happy that the leadership in the other body has worked out this solution.

I thank the Senator from Louisiana for yielding.

Mr. ELLENDER. I thank the Senator from Florida for being so patient.

We have postponed consideration of the agreement with the House of Representatives on the Agriculture appropriation bill up until now, until we received authorization to increase the food stamp program.

I wish to add, Mr. President, that in addition to speaking with the Senator from South Dakota, who is very much interested in this matter and who agreed that this should be done, I also enlisted the help of my good friend from New York (Mr. JAVITS), who assisted in having this matter brought before the House.

Mr. President, it took quite some time. However, I am glad that the House did enact a resolution to provide for the \$610 million authorization.

I also state that the ranking Republican member of the Committee on Agriculture and Forestry was consulted; and he agreed to the action that is about to be taken.

Mr. JAVITS. Mr. President. I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, I have the floor.

Mr. JAVITS. Mr. President, I just want time. If the Senator is going to speak—

Mr. STENNIS. I have the floor under a unanimous-consent agreement of the Senate.

The PRESIDING OFFICER. Is there objection to the resolution?

Mr. JAVITS. Mr. President, I do not know what the resolution is.

Mr. HOLLAND. Mr. President, this is a conference report.

Mr. JAVITS. I want a quorum on the matter.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I want to be sure that we get the parliamentary situation straight.

Under the unanimous-consent agreement, I have been authorized to yield to the Senator from Louisiana without losing my right to the floor. And until I can get more consideration here, I respectfully decline to yield.

The PRESIDING OFFICER. The Senator from Louisiana called up a joint resolution by unanimous consent after the Senator from Mississippi (Mr. STENNIS) yielded without losing his right to the floor.

Mr. JAVITS. Mr. President, a point of order.

Mr. STENNIS. Mr. President, I yield to the Senator for a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, can a joint resolution be passed merely because a Senator holds the floor under a unanimous-consent agreement and has yielded to another Senator without any other Senator debating the matter?

The PRESIDING OFFICER. The Senator is asking whether a resolution can be passed without debate?

Mr. JAVITS. That is correct.

The PRESIDING OFFICER. A resolution can be passed without debate.

Mr. JAVITS. Without a Senator being heard? Then, am I entitled to have a quorum call before the matter is acted upon?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Am I entitled to ask for the yeas and nays before action is taken?

Mr. ELLENDER. Mr. President, I withdraw the request and will let the Senator from New York take the responsibility.

I have been working on this now for 4 months. I explained it to the Senator and he said he would assist me in trying to get the House to act.

Unless a joint resolution is passed now, there will not be any chance to raise the amount of money necessary to take in most of the States under the present food stamp law.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, the thing that puzzles me is when I ever agreed to the \$610 million proposition. I have no recollection of it whatever.

I am saying publicly what I wanted to say privately. I gave notice yesterday that when the matter came up I wanted to be heard.

I have not the remotest recollection of agreeing to accept this amount. This is an authorization. It will not go down the drain because there is no authorization.

Mr. ELLENDER. Mr. President, the Senator will recall that he mentioned to me on several occasions the fact that the House had reported a resolution. They did not consider our measures. The House passed a resolution authorizing \$610 million.

I stated to the Senator that in my opinion this would be the most that we could get out of the House and that it is necessary that we proceed to act on the \$610 million resolution, because if we do not do so, the conference that is now being held between the House and Senate on the Agriculture appropriations bill could not consider a greater amount than the \$340 million to operate the food stamp program.

If we do not act on the resolution today, the chances are that the conference on the agriculture bill will be disposed of, and we will be minus the amount necessary to operate fully the food stamp program for this fiscal year.

Mr. JAVITS. Mr. President, I think that everything the Senator has said is absolutely correct. However, he did not point out the assumption upon which it was stated a few minutes ago that I had agreed. I have not agreed, and the Senator knows it. The Senator says he knows it.

The Senator from Louisiana is a very informed man. He has informed me, but I have not agreed to it.

The PRESIDING OFFICER. The Chair would like to state that a joint resolution

can be passed without debate, but it is debatable if anyone cares to debate it.

Mr. JAVITS. Mr. President, if the Senator would agree to permit me to have the floor for 1 minute in my own right, I will not take long.

Mr. STENNIS. Mr. President, I will not object, but I want to address the Chair on the matter.

Under the unanimous-consent agreement I have the floor. We have a conference report on a bill that has been pending for so very long. I think that we have about reached the conclusion of the debate on the matter.

The Senator from Kentucky is the only Senator I know of that has anything further to say. I wonder if it would be possible for us to conclude rapidly the military authorization bill, if we can do so.

Mr. ELLENDER. Mr. President, I have no objection. When I asked the Senator to yield to me, I did not think there would be any trouble at all. I had discussed the matter with the Senator from South Dakota (Mr. McGOVERN) and with the Senator from New York (Mr. JAVITS). I did not do so recently, but I told the Senator about the House action. And I asked him to help me to try to get the leadership on the House side to pass the House resolution so that we could have at least \$610 million in the conference that is now being had between the House and the Senate on the regular agriculture bill for this fiscal year.

It is our only hope. If we do not do this, we will have to wait for a supplemental bill which may not be enacted until late in the summer next year.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, what is bothering me—and the Senator knows me well enough to know that I will tell him precisely what is in my mind—is that this is only an authorization bill. If we went to conference with the Senate having voted for \$750 million and the House having voted for \$610 million, we would be bound to get something more.

Mr. ELLENDER. Our measure has not passed as yet.

Mr. JAVITS. I understand. However, may I continue?

Mr. ELLENDER. We do not have authorization yet.

Mr. JAVITS. We do not have authorization on either side.

Mr. ELLENDER. That is correct. But we have authorization for \$340 million.

Mr. JAVITS. We wanted \$750 million and they wanted \$610 million.

Mr. ELLENDER. But the Senate resolution has not been acted upon by the House. It has been pigeonholed. I am trying to get the matter straightened out.

Mr. JAVITS. That is what I am talking about. It is an authorization matter that is now in conference, not an appropriation. The Senator from Florida (Mr. HOLLAND) is the chairman of the Senate conferees, I believe.

If we are going to take \$610 million, which is the lowest possible figure they